

ORDINANCE NO. 2131-08
by the Legislative & Licensing Committee

AN ORDINANCE RENAMING AND AMENDING ALL SUBSECTIONS OF
CHAPTER/TITLE 2 – ELECTED OFFICIALS, ADMINISTRATION AND PERSONNEL –
EXCEPT THOSE DEALING WITH THE CODE OF ETHICS, THE CIVIL SERVICE
SYSTEM, EMERGENCY MANAGEMENT, FIRE DEPARTMENT,
AND PUBLIC RECORDS.

The Common Council of the City of Brookfield do ordain as follows:

I. PART I. Title 2 of the Municipal Code is amended to read as follows:

Title 2

ELECTED OFFICIALS, ADMINISTRATION AND PERSONNEL

Chapters:

- 2.04 Elected Officials
 - City Council
 - Mayor
 - Municipal Judge

- 2.08 Boards, Commissions and Committees
 - Civil Service Commission
 - Community Development Authority
 - Park and Recreation Commission
 - Economic Development Committee

- 2.12 Meetings

- 2.16 Elections

- 2.20 Code of Ethics

- 2.24 Miscellaneous Employment Issues (Officers and Employees Generally)
 - Salaries for Non-Union Administrative Personnel
 - City Attorney
 - Director of Public Works

- 2.30 Fire Department

- 2.40 Civil Service System

- 2.50 Emergency Management Organization
 - Emergency Proclamation

- 2.60 Public Records

2.70 Municipal Court

Chapter 2.04 ELECTED OFFICIALS

2.04.010 City Council. The common council shall consist of the mayor, and two aldermen from each aldermanic district. Beginning with the Spring election of 2002, the aldermen will be divided into two classes with numbered seats, and shall serve four-year staggered terms. ~~The 2002 Spring election will proceed as follows:~~

~~A. The alderman elected to Seat Number 1 in the 1st, 2nd, 3rd, 4th, 5th, 6th, and 7th Districts shall be elected to a two-year term.~~

~~B. The alderman elected to Seat Number 2 in the 1st, 2nd, 3rd, 4th, 5th, 6th, and 7th Districts shall be elected to a four-year term.~~

~~C. Thereafter, all aldermen shall serve a term of four years. (Ord. 1807 § 1, 2001; prior code § 1.01)~~

2.04.020 Temporary incapacity of aldermen.

If an alderman is temporarily incapacitated because of physical or mental disability, the common council may appoint a person to discharge the alderman's duties until the disability is removed. The common council shall not appoint a person to discharge the absent alderman's duties if the alderman's absence is due to other than physical or mental disability. (Ord. 1679, 1999)

2.04.030 Selection and Duties of the Common Council President. The common council at its first meeting subsequent to the regular election and qualification of new members shall, after organization, choose from its members a president who, in the absence of the mayor, shall preside at meetings of the common council.

2.04.040 City Mayor

Term The city of Brookfield elects, pursuant to Section 66.0101 of the Wisconsin Statutes, that Section 62.09(5)(1) providing that the regular term for the office of mayor shall be two years, shall not apply in the city; that in accordance with Section 62.09(5)(1)(b) of the Wisconsin Statutes, the regular term for the office of mayor hereafter shall be four years. (Ord. 1819 § 3 (part), 2001; Ord. 1281 § 1, 1989)

2.04.050 Succession of powers and duties in the absence of the mayor--Selection and duties of the common council president--Vacancy in the office of the mayor or the common council president.

A. In the event that the mayor is unable to act or perform his duties because of physical or mental disability or absence from the city, during said period of physical or mental disability or absence the president of the common council shall have the powers and duties of the mayor, except that he shall not have the power to approve an act of the common council which the mayor has disapproved by filing his objection with the city clerk. The council president shall, when so officiating, be styled "acting mayor." The determination of the mayor's inability to act or perform his duties because of illness, disability or absence from the city shall be made either

by the mayor as evidenced by written or oral communication to the city clerk or by determination of the common council by a two-thirds vote of the whole council.

B. In the event that the president of the common council is unable to act or perform any of his duties because of illness, disability, or absence from the city, the persons elected or appointed to the below listed offices or positions shall act as president of the common council through a direct line of succession in the order herein set forth. Such person shall be styled as "acting president of the common council." The acting president of the common council shall have and exercise all the powers, and discharge all of the duties, of the president of the common council until such time as the president of the common council resumes his duties. If any person lower in the line of succession is serving as acting president of the common council and a person higher in the line of succession becomes available to serve, the powers and duties of the acting president of the common council shall vest in the person higher in the line of succession. The line of succession shall be as follows:

1. Chairman of the finance committee;
2. Aldermen in the order of their seniority based upon the length of service in the office of alderman. In the event that the length of service of such aldermen is equal, then succession will vest by alphabetical order of such aldermen's surnames.

C. Vacancy in the Offices of the Mayor or the Common Council President.

1. In the event of a vacancy in the office of the mayor, as set forth in Section 17.03 of the Wisconsin Statutes, the president of the common council shall succeed to the office of the mayor until a new mayor is elected and qualified. A new mayor shall be elected for the residue of the unexpired term on the first Tuesday of the next April after the vacancy occurs if the vacancy occurs no later than December 1st preceding such April. If the vacancy occurs after December 1st preceding such first Tuesday in April, then the successor shall be elected on the first Tuesday in April of the next ensuing year. No election to fill a vacancy in such office may be held at the time of holding the regular election for that office. The provisions of this section are subject to Section 9.10 of the Wisconsin Statutes.

2. In the event of the death or resignation of the common council president, or his succession to the office of the mayor due to a vacancy in the office of the mayor, the common council shall, at the next meeting after the occurrence of such event, elect a successor to fill the office of common council president. Such elected common council president shall preside over the meetings of the common council for the remainder of the term of office to which members of the common council were elected. (Ord. 1681, 1999)

2.04.060 Municipal Judge.

Municipal judge--Office created.

Pursuant to Section 755.01, Wisconsin Statutes, there is created the office of municipal judge for the city. (Prior code § 1.04(1)(a))

A. Municipal judge--Election--Term--Eligibility.

The municipal judge shall be elected at large at the spring election in even-numbered years for a term of four years commencing on May 1st next succeeding his election. Midterm vacancies in the office of municipal judge shall be filled by special election to be held not less than fifty-five (55) nor more than seventy (70) days after the order of the council therefor. No person shall be

eligible for the office of municipal judge unless he or she is an attorney licensed to practice law by the state. (Ord. 1932 § 1, 2003: Prior code § 1.04(1)(b))

B. Municipal judge--Salary.

The municipal judge shall receive a salary to be fixed by the council which shall be in lieu of fees and costs. No salary shall be paid to the judge for any time during his term for which he has not executed and filed his official bond and oath, as required by Section 2.32.040. (Prior code § 1.04(1)(c))

C. Municipal judge--Bond and oath.

1. The municipal judge shall execute and file with the county clerk the oath prescribed by Section 757.02, Wisconsin Statutes, and a bond in the penal sum of five thousand dollars (\$5,000.00).

2. The municipal judge shall not be qualified to act until a certified copy of the bond is filed with the city clerk and a certified copy of the oath is filed with the office of the State Administrator of Courts, as required by ~~Section 755.03~~, Wisconsin Statutes. (Prior code § 1.04 (1)(d))

D. Municipal judge--Jurisdiction.

The municipal judge shall have jurisdiction as provided by law and Section 755.045, Wisconsin Statutes, and exclusive jurisdiction of violations of city ordinances, resolutions and bylaws. (Prior code § 1.04(1)(e))

2.08 BOARDS, COMMISSIONS AND COMMITTEES

2.08.010 Council Committees

A. The following committees and the chairmen thereof shall be appointed by the council president ~~at the first regular meeting of the newly elected council~~ no later than the second meeting of the new Common Council.

B. Composition of Committees. Each committee shall consist of at least three and not more than five members, except for the finance committee which shall consist of seven members, one from each district. The chairmen of committees shall be designated by the council president. The chairmen of committees, other than those named in this section, shall be designated by the mayor. Each member shall serve as appointed unless excused by a majority of the members of the council. All aldermen shall serve on at least one standing committee. The council president may serve as a member of not more than one standing committee. His appointment thereto shall be by a ~~three-fourths~~ majority vote of all members of the council. The council president may serve as chairman of the standing committee to which he is so appointed only if appointed to that chairmanship by a separate three-fourths vote of all members of the council. The council president also shall serve as an alternate member of each committee and shall serve in the absence or disqualification of any committee member whose absence results in the lack of a quorum; provided that, in the event the council president becomes acting mayor under Section 62.09, Wisconsin Statutes, that during that period of service as acting mayor, he shall not serve as a member of a committee unless the mayor is a member of the committee.

C. Committee of the Whole. The mayor may declare the entire council a committee of the whole for informational discussion at any meeting or for any other purposes and shall be ex officio

chairman of the same, provided that there is no objection by any of the aldermen present at the meeting.

1. Information Technology Subcommittee. (5 members) This subcommittee shall study the city's needs, develop planning strategies, and make recommendations to the finance committee and the council concerning information technology issues and any other matter delegated to it by the finance committee; it will make recommendations relative to ongoing long range technology issues and planning; and shall submit to the finance committee and council an annual technology status report. This committee shall consist of five members including two aldermanic representatives, at least one of whom is a member of the finance committee, and three citizen members. The aldermanic members shall be appointed by the council president. The citizen members shall be appointed by the mayor. All appointments shall be subject to council approval.

2. 2.36.020 Board of public works.

2. Board of Public Works (5 members)

a. The board of public works shall consist of the mayor, four aldermen, and one aldermanic alternate. The four aldermanic members and the aldermanic alternate shall be appointed by the council president subject to confirmation by the council. The chairman of the board shall be appointed by the council president, subject to council approval, except as otherwise provided in Section 2.04.080. The mayor may appoint an alderman to serve in the absence of the mayor, subject to council approval.

b. In addition to its other duties, the board shall study, promote, make recommendations, and help to implement bicycle and pedestrian bikepaths and safety measures along major roadways throughout the city.

c. The board shall also be responsible for recommending to the council the preparation, bidding, and subsequent awarding of any municipal contract, and application for grants relative to the weekly collection and disposal of municipal solid waste, recyclable materials, and yard waste.

d. The board shall oversee and recommend the purchase, improvement and disposal of public lands, excepting those relating to city parks, the city library, and sewer and water utilities. (Ord. 1877 § 2, 2002; Ord. 1738 § 1, 2000; Ord. 1729 § 1, 2000; Ord. 1728 § 2, 2000; Ord. 1723 § 1 (part), 2000; Ord. 1699 § 1 (part), 1999; prior code § 1.03(2)) Board of public works;

3. Finance Committee. (7 members) This committee, in addition to its other duties prescribed by the Wisconsin Statutes and this municipal code, shall study the city's needs, develop planning strategies, and make recommendations relative to city capital improvements in cooperation with other committees, commissions, and boards. It shall also be responsible for overseeing risk management for the city, excepting those risk management aspects overseen by the human resources and public safety committee. The finance committee will supervise the technology status of the city by reviewing the recommendations of the information technology subcommittee;

4. Forestation committee. (5 members) This committee shall establish and develop a forestation program for public purposes and, in conjunction therewith, may maintain a minimum care

outdoor nursery on public property stocked by seedlings, bushes, plants and other shrubs and trees for transplanting;

5. Legislative and licensing committee (5 members) This committee shall be responsible for evaluation and approval of new legislation, amendments, and deletions to the municipal code, sometimes in conjunction with other committees. The committee is also responsible for the approval of licenses and permits; recommendation to the Common Council of individuals to fill vacancies on the Council and the appointment of members of the Ethics Board.

6. (Repealed by Ord. 1734);

7. Human Resources and Public Safety Committee. (5 members) This committee shall make recommendations to the mayor and the council and the committees thereof concerning the creation of new positions, employment, promotion, wages, salaries, fringe benefits and working conditions; serve as liaison between the civil service commission and the council; and study and make recommendations for improved efficiency in the operations of the various departments and shall be responsible for overseeing the risk management aspects of the city relating to health insurance, benefits, workplace safety and worker's compensation. Additionally, the committee shall oversee the police and fire departments relative to issues outside the jurisdiction of the police and fire commission, including review of said departments' annual budgets;

8. (Repealed by Ord. 1738);

9. Water and sewer board. (5 members)

a. The water and sewer board shall consist of five aldermen appointed by the council president, subject to confirmation by the council. The chairman of the board shall be appointed by the council president, subject to council approval, except as otherwise provided in Section 2.08.010. One member shall be designated as the representative to the Poplar Creek-Deer Creek Interceptor commission and two members designated as the representatives to the Underwood sewer board by the chair of the water and sewer board.

b. The water and sewer board shall supervise the purchase, improvement and disposal of public lands relating to sewer utility projects, subject to council approval.

c. The water and sewer board shall supervise the purchase, improvement and disposal of public land relating to water utility projects, subject to council approval. (Ord. 2024-05 § 2, 2005)

D. Council member to be appointed liaison to school board.

The president of the council shall appoint a member of the council to serve as its liaison representative to the school board and administration of the Elmbrook School District. Such representative shall attend such school board meetings and meet with such school officials as necessary to consider and report on matters of mutual concern to the council and the school board and to improve communication and understanding between them. His term shall coincide with his aldermanic term of office. (Prior code § 2.21)

2.08.020 COMMITTEES APPOINTED BY MAYOR

A. Special Committees. The mayor may, from time to time, appoint such special committee or committees as the mayor deems advisable or as provided for by motion or resolution stating the number of members and object thereof to perform such duties as may be assigned to them

B. Absences vacate office. Three consecutive absences by a member of any board or commission from regularly scheduled meetings shall operate to vacate the member's office. An absence excused by the mayor for good cause shall not be considered an absence hereunder. (Prior code § 1.03(13))

1. Board of Review

a. The board of review shall consist of five citizen members, one of whom shall be the chairman, and two aldermanic members. The five citizens shall be appointed for three-year terms. After initial appointments of one-, two-, three-, three- and two-year terms, the appointments shall be for full terms. There shall also be appointed an alternate member of the board who shall serve for one year and who shall act in the event of absence or disability of a regular member of the board. All appointments shall be made by the mayor and confirmed by the council.

b. The board of review shall be in session at least one day for no less than two hours between the hours of eight a.m. and midnight. Notice of the time and date shall be published pursuant to Section 70.47(3)(b) Wisconsin Statutes.

c. Whenever the assessor, in the performance of the assessor's duties, requests or obtains income and expense information pursuant to Section 70.47(7)(af), Wisconsin Statutes or any successor statute thereto, then, such income and expense information that is provided to the assessor shall be held by the assessor on a confidential basis, except, however, that the information may be revealed to and used by persons: in the discharging of duties imposed by law; in the discharged 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 Section 70.47(7)(af), unless a court determines that it is inaccurate, is, per Section 70.47(7)(af), not subject to the right of inspection and copying under Section 19.35(1), Wisconsin Statutes. (Ord. 1877 § 1, 2002; Ord. 1748 § 1, 2000; Ord. 1710 § 1, 1999; Ord. 1623 § 1, 1997; prior code § 1.03(1))

2. Library board.

The library board shall be appointed and shall serve as provided in Sections 43.54 through 43.58, Wisconsin Statutes. There shall be 9 members of the board appointed for staggered three year terms by the mayor subject to confirmation by the common council except if additional appointments are made by the County Board Chair pursuant to Chapter 43 of the Wisconsin State Statutes. One member appointed shall be a school district administrator, or the administrator's representative, to represent the school district. One member of the municipal governing body shall be a member of the library board. (Prior code § 1.03(6))

3. Board of appeals.

The board of appeals members shall be appointed and shall serve as provided in Section 62.23(7)(e), Wisconsin Statutes. For composition, powers and duties, see Chapter 17.12. (Prior code § 1.03(8))

4. Police and fire commission.

The police and fire commission shall be appointed and shall serve as provided in Section 62.13, Wisconsin Statutes. The commission shall be composed of 5 citizens, one appointed each May for a 5 year term. (Prior code § 1.03(9))

5. Mayor's advisory committee.

~~Members of the mayor's advisory committee shall be appointed by the mayor and their terms shall coincide with that of the mayor. The committee shall study and make recommendations on city problems and concerns, as assigned or directed by the mayor. Assignments may be on an individual, group or entire committee basis. A primary purpose of the committee shall be to involve more citizens in the governmental process and keep the mayor advised of the problems and needs of the city. (Prior code § 1.03(14))~~

6. Citizen crime prevention committee.

~~a. Created. There is created a citizen crime prevention committee for the city, consisting of eight members, one aldermanic member who shall be the liaison to the police and fire commission and whose term shall coincide with the term as alderman, one member from the police department designated annually by the police chief, and six citizen members appointed by the mayor and confirmed by the council whose terms shall be for three years, except that initially one shall be for one year, two shall be for two years, and two shall be for three years.~~

~~b. Functions and Duties. The citizen crime prevention committee shall study, promote work with, and coordinate citizen crime prevention programs for the city. (Prior code § 1.03(17))~~

7. Community development authority

a. Findings. The common council of the city of Brookfield specifically finds and declares that there is a need for blight elimination, slum clearance, urban renewal and community development programs and projects and housing projects in the city of Brookfield. (Ord. 1827 § 1 (part), 2001)

b. Created. The community development authority of the city of Brookfield (CDACB) is created pursuant to Section 66.1335(1), Wisconsin Statutes. (Ord. 1827 § 1 (part), 2001)

c. Powers and functions. The community development authority shall have such powers and perform such functions as are provided by Section 66.1335, Wisconsin Statutes, which statute is hereby incorporated by reference. (Ord. 1827 § 1 (part), 2001)

d. Appointment of commissioners.

The mayor shall, with the confirmation of the common council, appoint seven qualified resident persons as commissioners of the community development authority.

(1) Two of the commissioners shall be members of the common council and shall serve during their term of office as board members.

(2) The first appointment of the five noncouncil members shall be for the following terms: two for one year and one each for the terms of two, three, and four years. Thereafter the terms of

noncouncil members shall be for four years and until their successors are appointed and qualified. Vacancies shall be filled for the unexpired term as provided in this section. (Ord. 1827 § 1 (part), 2001)

8. Economic Development Committee

a. Composition. The economic development committee (EDC) shall consist of seven persons to be appointed by the mayor and confirmed by the council. The EDC shall be comprised of the following: a member of the council; a representative of education; a citizen representative; two business representatives, one of whom is a member of the board of directors of the Brookfield Chamber of Commerce; and two at-large representatives.

b. All members of the EDC shall serve for a term of three years; however, the terms on the EDC for the member of the council and for the member of the board of directors of the Greater Brookfield Chamber of Commerce shall coincide with their terms in their respective offices so that if either of those individuals ceases to hold his or her office on the council or on the board of the Chamber of Commerce during their terms on the EDC, their terms on the EDC shall thereupon end and a new representative for the balance of the term shall be appointed to the EDC by the mayor and approved by the council. The mayor and the president of the Greater Brookfield Chamber of Commerce shall serve on the EDC in an ex officio capacity. The city director of community development or designee shall be requested to attend the EDC meetings in order to insure the coordination of the programs of the EDC with that of the physical planning programs. (Ord. 1912-03 §§ 1 (part), 2 (part), 2003; prior code § 1.03(12)(a))

c. The committee will process requests for industrial revenue bonds pursuant to the Wisconsin Statutes. The committee will assess the general economic and ecological impact of the proposed new industry, the type of manufacturing contemplated, the anticipated number of initial employees, utility needs, waste output, the estimated cost of the new plant, dollar needs, the fiscal soundness of the applicant, the marketability of the bonds, and other pertinent matters. The committee shall make a recommendation to the council with respect thereto.

2.08.030 Wilson Center for the Arts board of directors.

The city common council president (or designee) and a member of the parks and recreation commission shall represent the city as ex-officio voting members of the Wilson Center for the Arts board of directors. The city's director of finance and director of parks and recreation (or designees) shall represent the city as nonvoting staff liaisons to the Wilson Center for the Arts board of directors. (Ord. 1868 § 1, 2002)

2.08.040 Plan commission.

A. The plan commission shall consist of the mayor, who shall be the presiding officer, three aldermen and three citizens of the city. Two aldermanic members of the commission shall be appointed by the council president, and one aldermanic member appointed by the mayor, subject to confirmation by the Council, ~~upon the creation of the commission, and during each April thereafter.~~ Aldermanic appointments are made for two years in April on even numbered years. The three citizens of the city shall be appointed by the mayor, subject to confirmation by the council, for three-year terms commencing on May 1st in the year of appointment.

B. In addition to its other duties, the commission shall engage in long-range planning efforts, shall oversee, and shall make recommendations to the council, relative to annexations to the city.

C. The common council shall have the authority, by majority vote, to approve, reject, or amend the master plan as certified to the common council by the plan commission under Section 62.23(3), Wisconsin Statutes. (Ord. 1998-05 § 1, 2005; Ord. 1733 § 1, 2000; Ord. 1723 § 1 (part), 2000; Ord. 1699 § 1 (part), 1999; prior code § 1.03(7))

2.08.045 Plan review board

A. Plan Review Board. The plan review board acts as a committee of the plan commission and shall consist of the mayor who shall be the presiding officer; ~~one of the aldermanic representatives to the plan commission; and two citizen members of the plan commission~~ and three members of the plan commission. The duties and responsibilities of the plan review board shall be determined by the plan commission. ~~Should two citizen members of the plan commission be unable to attend the meeting of the plan review board, an aldermanic member of the plan commission can act as a substitute for the citizen member in order to provide a quorum.~~ In the absence of the mayor, the board shall elect a chairperson pro-tem. A quorum shall consist of three members. ~~The board shall meet once a month on the Thursday following the fourth Tuesday at a time established by the plan commission.~~ The plan commission shall consider the recommendations of the plan review board at ~~its next regularly scheduled~~ a subsequent Commission meeting.

B. Powers and Duties. The plan review board's powers and duties shall include: holding special exception public hearings and conditional use public hearings and making recommendations upon the special exceptions and conditional uses; reviewing temporary use permit applications as well as review applications for and make recommendations on certain plan commission agenda items such as: plan and method of operations, certified survey maps, fences, retaining walls, solar collectors, satellite dishes, yard maintenance buildings, sign applications, landscaping requirements and any other matters that the plan commission wishes to have the board review.

C. Unless otherwise specifically required by the municipal code, the director of planning or his/her designee shall select the matters to be included on the board's agendas. (Ord. 1699 § 1 (part), 1999; Ord. 1582 § 1, 1996; prior code § 1.03(7)(a))

2.08.050 Civil service commission

A. Established--Appointment of members.

1. A civil service commission, sometimes herein called board or commission, is established which shall consist of five members, one to be appointed annually by the mayor for a term of five years, subject to confirmation by the council. No person shall be appointed to the commission who holds any salaried public office or employment within the city. The members of the commission shall be qualified electors of the city and shall serve without compensation.

2. Vacancies shall be filled by appointment in the original manner for the unexpired terms. Each member of the commission may serve beyond the expiration of his or her term at the request of the mayor until his or her successor is appointed and qualified. A recommendation by the mayor

for cause and approval by a three-fourths vote of the council shall be required to remove any member of the commission from office prior to the expiration of his term of office.

3. Upon appointment, each member shall take the official oath required by Section 19.01, Wisconsin Statutes, which shall be filed with the city clerk.

4. Alternates. In order to assure the availability of a quorum at all times, the mayor is authorized to appoint two alternate members of the commission for five-year terms, who shall be available to act in the absence or disability of a regular member of the commission. These appointments shall be subject to council approval; provided that the alternates may, in the event of emergency, act on the mayor's order until the next succeeding council meeting. (Prior code § 4.04)

B. Administrative duties.

The civil service commission of the city will have two basic functions:

1. To oversee, make recommendations, give advice and make reports when necessary to the human resources and public safety committee of the council regarding the procedures used to fill vacancies which may exist in positions governed by this chapter;

2. To serve as an appellate body for hearing appeals of decisions by appointing officers concerning suspension, demotion and discharge of individuals in positions covered by this chapter.

The director of human resources has already been given the authority to develop, with the concurrence of the civil service commission, systems to screen, select and hire individuals for positions which the council determines should be filled.

The civil service commission shall have access to all records and other information upon which the director of human resources relies in evaluating candidates for vacant positions. The commission is authorized to meet with the director of human resources and to make appropriate recommendations concerning the systems and methodology used to select successful applicants within the city.

The director of human resources shall have charge of applications for employment and examinations of all applicants for positions. The director shall be the custodian of all personnel records, subject to review and recommendations from the civil service commission. (Ord. 2020-05 § 1 (part), 2005; prior code § 4.05)

2.08.070 Park and recreation commission

A. Composition. The park and recreation commission shall consist of seven members, six of whom shall be appointed by the mayor, subject to the confirmation of the council, and one of whom shall be an alderman appointed by the council president. The mayor's appointees shall consist of five citizen members and one representative of the Elmbrook School District who serves said district in an elected or supervisory capacity. The term of the school district representative shall terminate at the end of three years or upon the conclusion of his/her service with the school system, whichever date first occurs. The terms of the five citizen members shall be for five years. ~~The term of the aldermanic appointee shall be appointed for 2 years in April of even number years. coincide with his/her aldermanic term.~~ The mayor shall make initial

appointments for staggered terms of one to five years for the citizen members to establish an orderly rotation of such terms. (Ord. 1553 § 1, 1996; prior code § 1.03(5)(a))

B. Powers and duties. The park and recreation commission shall have the following powers and duties:

1. Parks. With respect to parks, the powers and duties shall be as provided by Sections 27.08(1) and (2) and 27.10, Wisconsin Statutes. The acceptance of gifts of money or property or the acquisition of property or privileges for park purposes, as defined in Section 27.08, Wisconsin Statutes, can be accomplished only upon the recommendation of the commission and approval by the council by resolution, but the dedication of land or money in lieu thereof to the city for park, recreation or other public purpose in connection with the subdividing of land shall be deemed to have been approved by the council in and by its act of accepting the final plat in connection with which such dedication is made.

2. Recreation. The commission shall have the general supervision of municipal recreation in the city and shall operate and maintain all community recreation centers, playgrounds or other areas which shall be assigned to it by resolution of the council and may make rules and regulations for the government and control of all such places of recreation subject to disapproval by a vote of two-thirds of the members of the council at the next regular meeting of the council following notice of adoption of such rule or regulation. ~~The director of recreation shall be appointed pursuant to Chapter 2.40. The commission may appoint such other seasonal employees as they may deem necessary for carrying out the purposes of this section; provided that appropriations for such positions are made in the annual budget by the council. and that the salary scale for such employees shall be determined by the council.~~ The commission shall promote recreation in its broadest aspects and, toward this end, shall cooperate with existing recreational programs under the auspices of schools or semipublic groups within the city.

In addition, the commission shall study, promote, make recommendations, oversee, and help to implement recreational bikepaths and a city greenway system. (Ord. 1732 § 1, 2000; prior code § 1.03(5)(b))

C. Budget.

The commission shall submit to the council by October 1st of each year an estimate of the expenditures required for the following calendar year in order to carry out a program for the maintenance and development of parks and recreational activities within the reasonable means of the taxpayers. (Prior code § 1.03(5)(c))

D. Civil service.

All employees of the commission shall be subject to the provisions of Chapter 2.40. (Prior code § 1.03(5)(d))

E. Finances.

All expenditures pursuant to the budget previously approved by the council, including gifts accepted by the council, shall be made only upon the prior approval of the commission and the issuance of an order for the expenditure by the city clerk. All moneys received for the purposes of the commission, whether from the general fund or from approved donations, shall be deposited in the general fund of the city and segregated on the books of the city. The city

treasurer shall act as treasurer of the commission without additional compensation. (Prior code § 1.03(5)(e))

F. Annual report.

The commission shall issue a written annual report to the council at its second regular meeting of each year after the first year. (Prior code § 1.03(5)(f))

G. Fourth of July arrangements.

The commission shall arrange or conduct appropriate ceremonies, parades, programs or fireworks on the Fourth of July of each year to recall, restate and affirm the basic concepts of our free American society. (Prior code § 1.03(5)(g))

Chapter 2.12 MEETINGS

2.12.010 Council meetings. A. Regular Meetings. The council shall conduct regular meetings on the first and third Tuesdays of every month at seven forty-five p.m. in the council chambers of the City Hall, except when the council shall establish otherwise. Subject matter considered at regular sessions shall be included in an agenda available in the office of the city clerk at least twenty-four (24) hours before the convening of the regular session or unless for good cause such notice is impossible or impracticable. In which case shorter notice may be given, but in no case may the notice be provided less than 2 hours in advance of the meeting. SS 19.84 (3)

B. Special Meetings

Special meetings may be called by the mayor upon written notice of the time and purpose thereof to each member of the council, delivered to him personally or left at his usual place of abode at least six hours before the meeting. The city clerk shall cause an affidavit of service of such notice to be filed in his office prior to the time fixed for such special meeting. A special meeting may be held without such notice when all members of the council are present in person or consent in writing to the holding of such a meeting. If written consent is obtained, it shall be filed with the clerk prior to the beginning of the meeting. Attendance by any council member shall be deemed a waiver on his part of any defect of notice unless appearance is made solely to give objection to the notice of the meeting. Any special meeting attended by all aldermen shall be a regular meeting for the transaction of any business that may come before such meeting. The common council may approve the convening of a special meeting needed by an applicant requiring common council approval of a request or license. Applicants who require a special meeting due to missing deadlines shall pay a fee in the sum of two hundred dollars (\$200.00). (Ord. 1959-04 § 1, 2004; prior code § 2.02)

~~C. Following a regular city election, for the purpose of organization, the council shall meet on the third Tuesday of April. (Ord. 1869 § 2, 2002; Prior code § 1.15(1))~~

2.12.020 Meetings of committees, boards and commissions.

Each committee, board and commission of the city that meets regularly shall advise the city clerk of its meeting schedule. The clerk shall publicly and continuously post such schedule in the City Hall. Each committee, board and commission shall provide the clerk with a subject matter agenda which shall be available for inspection in the clerk's office not less than twenty-four ~~four~~ hours prior to such meeting. Committees, boards or commissions that do not meet regularly, but only as necessary, shall notify the clerk of such meeting and provide an agenda therefore which

shall be publicly posted by the clerk and provided to the official city newspaper at least the day prior to the session. Special meetings of any committee, board or commission may be held provided at least six hours notice is given to each member and the notice of meeting and agenda is publicly posted and provided to the official city newspaper no less than six hours prior to the commencement thereof. (Prior code § 1.15(2))

2.12.030 Agenda and conduct of business.

A. The agenda for regular meetings of the council shall be prepared by the City Clerk for delivery to the aldermen at least seventy-two hours prior to a regular council meeting.

- ~~1. Call to order;~~
- ~~2. Roll call;~~
- ~~3. Pledge of Allegiance to the flag;~~
- ~~4. Consideration and approval of minutes of previous meeting;~~
- ~~5. Committee referrals (considered approved unless challenged by member of the council);~~
- ~~6. Plan commission minutes and action;~~
- ~~7. Council committee reports (to include status report on matters previously referred out per Section 2.04.110;~~
- ~~8. Council as a whole matters;~~
- ~~9. Appointments subject to confirmation;~~
- ~~10. Any other matters;~~
- ~~11. Announcements;~~
- ~~12. Adjournment.~~

~~B. The city clerk shall prepare an excerpt of subsection (A)(5), (6), (8) and (9) of this section for delivery to the aldermen at least seventy two (72) hours prior to a regular council meeting.~~

B. It shall be proper in certain instances to vote on all recommendations of a council committees, the plan commission or the appointments subject to confirmation in one vote. However, matters requiring a roll call vote must be voted upon separately unanimously to be recorded as a roll call vote within the consent agenda. If the vote is not unanimous, the item is separated from the consent agenda and an individual vote is taken. An individual vote upon any given matter shall be required if an alderman requests it.

- ~~1. New communications and petitions;~~
- ~~2. New business, including introduction of new ordinances and resolutions;~~
- ~~3. Committee reports, including plan commission minutes;~~
- ~~4. Any other matters.~~

C. In the absence of the city clerk, the mayor shall appoint a clerk pro tem. (Prior code § 2.04)

2.12.040 Parliamentary rules.

The mayor, at the stated hour, shall call the meeting to order. He shall preserve order and decorum, decide all questions of order and conduct the proceedings of the meeting in accordance with parliamentary rules contained in Robert's Rules of Order, Newly Revised, unless otherwise provided by statute or by these rules. Any member may appeal from a decision of the presiding officer. The appeal may be sustained by a majority of the members present, exclusive of the presiding officer. (Prior code § 2.05)

~~2.04.090 Ordinances, resolutions and other council matters.~~

~~All ordinances, resolutions, communications and other matters submitted to the council shall be read by title and author and referred to the appropriate committee by the mayor without motion unless objected to by a council member. The clerk shall read and record each such reference by title. Any alderman may require the reading in full of any matter at any time it is before the council unless the council, by a majority vote, refuses. (Prior code § 2.08)~~

2.12.050 Deliberations of council.

The deliberations of the council shall be conducted in the following manner:

A. No alderman shall address the council until he has been recognized by the presiding officer. He shall confine his remarks to the question under discussion and avoid all personalities.

B. When two or more members simultaneously seek recognition, the presiding officer shall name the member who is to speak first.

C. An alderman who has not spoken on a given subject shall be given priority over any alderman who has previously spoken on such subject.

D. No person other than a member or staff, shall address the council, except under citizen comments. ~~order of business, and~~ Except, however, that citizens may address the council with the permission of a majority of the council members present.

E. No motion shall be discussed or acted upon unless and until it has been seconded unless the rules permit one alderman to initiate action. No motion shall be withdrawn without the consent of the person making the same and the person seconding it.

F. When a question is under discussion, no action shall be in order, except as follows:

1. To adjourn;
2. To recess;
3. To lay on the table;
4. To move the previous question;
5. To postpone to a certain day;
6. To refer to a committee;
7. To amend;
8. To postpone indefinitely.

These motions shall have precedence in the order listed.

G. Any member wishing to terminate the debate may move the previous question. A second is required. ~~in which event the mayor shall announce the question as, "Shall the main question now be put?"~~ If two-thirds of the members present vote in the affirmative, the main question shall be taken without further debate, its effect being to put an end to all debate and to bring the council to a direct vote, first upon any pending amendments, and then upon the main question.

H. An alderman may demand a roll call vote on any matter and all votes shall be recorded in the journal. On confirmation of appointments and on the adoption of any measure assessing or levying taxes, appropriating or disbursing money, or creating any liability or charge against the city, or any fund thereof, the vote shall be aye and nay.

An alderman shall have the right to abstain from voting on any given matter after notifying the Chair of the intention to abstain as soon as a conflict becomes apparent. A reason for the abstention shall be given and the member shall not enter into discussion about the issue upon announcing the intent to abstain. An alderman may not change his vote on any question after the result has been announced.

The mayor shall not vote except in the case of a tie. When the mayor does vote in the case of a tie, his vote shall be counted in determining whether a sufficient number of the council has voted favorably or unfavorably on any measure. A majority vote of all members of the council in favor of any proposed ordinance, resolution or appointment shall be necessary for passage or approval unless a larger number is required by statute. Except as otherwise provided, a majority vote of those present shall prevail in other cases.

I. A motion to adjourn shall always be in order and a motion to adjourn, to recess, to lay on the table and a call for the previous question shall be decided without debate. (Ord. 1869 § 3, 2002; Prior code § 2.15)

2.12.060 Reconsideration.

Any member voting in the majority may move for a reconsideration of the vote of any question, except confirmation of the appointment of city officials, at that meeting or at the next succeeding regular meeting. A motion to reconsider being put and lost shall not be renewed. (Prior code § 2.17)

2.12.070 Minutes of meetings.

Within not more than ten days after each meeting of the council, the clerk shall supply to each alderman at his residence a typewritten copy of the proceedings thereof. (Ord. 1869 § 4, 2002; Prior code § 2.18)

2.12.080 Suspension of rules.

These rules or any part thereof may be temporarily suspended in connection with any matter under consideration by a recorded vote of two-thirds of the members present. (Prior code § 2.19)

~~2.12.090 Amendment of rules.~~

~~The assent of two-thirds of all the members of the council shall be required to amend these rules or any part thereof. (Prior code § 2.20)~~

~~2.04.220 Council member to be appointed liaison to school board.~~

~~The president of the council shall appoint a member of the council to serve as its liaison representative to the school board and administration of the Elmbrook School District. Such representative shall attend such school board meetings and meet with such school officials as necessary to consider and report on matters of mutual concern to the council and the school board and to improve communication and understanding between them. His term shall coincide with his aldermanic term of office. (Prior code § 2.21)~~

~~2.04.230 Smoking in council chambers prohibited.~~

~~Pursuant to Section 101.123, Wisconsin Statutes, no person may smoke in the council chambers of the Brookfield City Hall. The chambers shall be posted with uniform signs prescribed by the~~

~~Wisconsin Department of Commerce under Section 101.123(6), Wisconsin Statutes (Ord. 1819 § 2 (part), 2001; Prior code § 2.22)~~

2.12.100 Council member absence--Participation by phone.

Any member who, for good cause, is unable to be physically present at a meeting of the Council may request in writing, ~~or by fax or e-mail with written copy to follow~~, at least twenty-four hours in advance of the meeting, the written permission of the President of the Council to participate in a meeting by speaker phone. Upon a showing of good cause, as determined in the President's sole discretion, such a request may be granted. In such case, a speaker phone shall be placed in the Council chambers or meeting room so that the physically absent member can hear and can be heard by all those who are present. The member shall be entitled to participate and vote to the fullest extent possible, however, the member shall not be entitled to participate and vote on any matter that requires the visual assessment of a witness' demeanor, or any matter that requires the visual assessment of physical evidence or exhibits that have not been previously reviewed by the member. A member who is not physically present shall not count towards a quorum. (Ord. 1905-03 § 1, 2003)

2.12.110 Open meetings.

All meetings of the council and the various committees, boards and commissions of the city shall be open sessions, except where a closed session is authorized by Section 19.85, Wisconsin Statutes. (Prior code § 1.15(3))

2.12.120 Financial procedure for bills and authorized claims.

A. Pursuant to the provisions of Section 66.0609, Wisconsin Statutes, all vouchers and claims (other than claims subject to Section 893.80, Wisconsin Statutes) shall be itemized and upon receipt thereof shall be examined by the city director of finance. Upon the director of finance's audit and approval that such claim is a proper charge against the city, and upon the endorsement of the director of finance upon said bill or claim, the same may be paid from the city treasury. The approval of the director of finance shall be based upon his determination that the following conditions have been complied with:

1. That funds are available therefore pursuant to the budget approved by the common council;
2. That the item or service covered by such claim has been duly authorized by the proper official, department head or board or commission;
3. That the item or service has been actually supplied or rendered in conformity with such authorization;
4. That the claim is just and valid pursuant to law. The director of finance may require the submission of such proof and evidence to support the foregoing as in the director of finance's discretion may be necessary;

Approval may be sought from the finance committee for items of a specific nature, including but not limited to disbursements for capital projects and similar items. Claims and vouchers in excess of fifty thousand dollars (\$50,000.00), except for those items listed below, must be submitted to the finance committee for approval. On a monthly basis a report shall be provided to the finance committee and common council listing all claims approved, including date paid, name of payee, purpose and amount. Payment of regular wages and salaries of officials and employees (as adopted by the council); payments on city indebtedness; contractually or legally required fringe benefit payments (for example, employee health insurance or workers'

compensation insurance premiums); property or liability insurance premiums under contracts approved by the council; and monthly/quarterly payments on annual contracts previously approved by the council (for example, residential refuse collection) shall be made by the director of finance or treasurer without submission to the council after verification by the department head submitting and approval by the director of finance.

B. Claims of ten thousand dollars (\$10,000.00) or less, subject to Section 893.80, Wisconsin Statutes, after audit and approval that such claim is a proper charge against the city, may be paid by the city treasury if such payment is authorized by the city attorney and the city finance director. Approval for claims subject to Section 893.80, Wisconsin Statutes, exceeding ten thousand dollars (\$10,000.00), must be submitted to the finance committee and common council for approval. (Ord. 2047-06 § 1, 2006; Ord. 1819 § 3 (part), 2001; Ord. 1752 § 1, 2000)

2.12.130 Committee reports.

Each committee shall, ~~no later than the second ensuing meeting~~ after referral of a matter to it, report to the council either its recommendation as to such matter or the status of such matter. ~~Such report shall be made part of the council minutes, shall be signed by a majority of the committee and filed with the clerk. Minority reports may be submitted.~~ The council may at any time, by majority vote, take a matter from committee for action by the council. (Prior code § 2.10)

~~2.04.090 Ordinances, resolutions and other council matters.~~

~~—All ordinances, resolutions, communications and other matters submitted to the council shall be read by title and author and referred to the appropriate committee by the mayor without motion unless objected to by a council member. The clerk shall read and record each such reference by title. Any alderman may require the reading in full of any matter at any time it is before the council unless the council, by a majority vote, refuses. (Prior code § 2.08)~~

~~2.04.120 Notice of committee meetings.~~

~~—Previous notice of each committee meeting shall be filed with the clerk by the chairman and each meeting shall be open to the public, subject to Sections 19.81 through 19.98, Wisconsin Statutes (Prior code § 2.11)~~

~~2.04.140 Voting on ordinances.~~

~~—A roll call vote shall be taken on each ordinance. An aye and nay vote shall be taken on each item in the report of each committee, provided that any alderman may require a roll call vote on any resolution, motion or other matter voted upon by the council. (Prior code § 2.13)~~

~~2.04.150 Presenting of ordinances and resolutions.~~

~~—No ordinance or resolution shall be considered by the council unless presented in writing by the mayor or an alderman. (Prior code § 2.14)~~

2.12.140 Adjournment--Quorum.

A. The council may, by a majority vote of those present, adjourn from time to time to a specific date and hour.

B. No action shall be taken unless a quorum is present. Two-thirds (10 aldermen) of the aldermen of the council shall constitute a quorum. A lesser number may compel the attendance

of absent members or may adjourn. The mayor shall not be counted in determining whether a quorum is present at a meeting. (Prior code § 2.03)

2.12.150 City officers to cooperate with committees.

Any committee may require any city officer to confer with it and supply information needed in connection with any matter pending before the committee. (Prior code § 2.12)

2.12.160 Legislative Referrals and Requests for Service

A. Definitions

The terms used in this section shall be defined as follows:

1. Legislative Referrals (LR) are items that will require a substantive change to an existing ordinance, removing an existing ordinance, creation of a new ordinance or a resolution.
2. Requests for service are items of concern or requests for information that may require action or a work product from a specific department or division thereof. Policy items that are not Legislative Referrals would also be in this category.

B. Legislative Referrals

1. The Mayor is the official recipient of all legislative referrals. The Mayor refers items to the appropriate committee, board or commission.
2. All referrals shall be in writing and delivered to the Mayor's Office before the close of business on the Thursday preceding the Council meeting for introduction and committee assignment by the Mayor.
3. The committee chairman shall agenda the referral as soon as possible based on committee workload, however, all referrals must be agendized within 90 days of the original referral date.
4. An alderman may place a referral tabled in committee on a Common Council agenda any time after the 90 day action period.
5. The tabled referral shall be placed on the agenda for the next regular Common Council meeting. Any referral that has been tabled at committee and placed on the Common Council agenda may be removed from the table by a majority of the members.

C. Request for Service or Information

1. An alderman requesting information or the services of a department or division should provide the request in writing to the Mayor. The Mayor will forward the request to the appropriate department head or committee chairperson. If it requires committee action, it shall be placed on an agenda within 90 days.
2. An alderman may place a service/information request tabled in committee on a Common Council agenda any time after the 90 day action period.
3. The tabled service/information request shall be placed on the agenda of the next regular Common Council meeting. Any service/information request tabled at committee and placed on the Common Council agenda may be removed from the table by a majority of the members.
4. The administration director and the City Attorney should be involved in policy matters to assess the policy impact as it relates to all City functions.

Chapter 2.16 ELECTIONS

2.16.010 Aldermanic districts.

A. Designated. Pursuant to Section 62.08, Wisconsin Statutes, the boundaries of the city's seven aldermanic districts shall be as shown on a map designated as the aldermanic district map of the city as adopted by ordinance. ~~and made a part of this chapter, and all the notations, references and other information shown thereon shall be as much a part of this chapter as if the matters and information set forth by such map were all fully described herein.~~ Such map shall be kept in the office of the city clerk.

~~B. Amendments. Ordinance Numbers 872, 944, 1377. (Prior code § 1.08)~~

2.16.020 Spring primary.

~~A.~~ Whenever three or more candidates file nomination papers for an elective city office, a primary election shall be held for the nomination of candidates for such office. (Ord. 1859, 2002)

2.16.030 Polling places.

The polling place for each aldermanic district shall be as follows:

1. First Aldermanic District
Wards 1, 2 and 3
Immanuel Baptist Church
4250 N. 137th Street

2. Second Aldermanic District
Wards 4, 5 and 6
Burleigh Elementary School
16185 Burleigh Place

3. Third Aldermanic District
Wards 7, 8, 9 and 10
Dixon Elementary School
2400 Pilgrim Square Drive

4. Fourth Aldermanic District
Wards 11, 12 and 13
Brookfield Elementary School
2530 N. Brookfield Rd.

5. Fifth Aldermanic District
Wards 14, 15, 16 and 17
Public Safety Building, Court Room
2100 N. Calhoun Road

6. Sixth Aldermanic District
Wards 18, 19 and 20
Swanson Elementary School
305 N. Calhoun Road

7. Seventh Aldermanic District
Wards 21, 22, 23 and 24
~~Linfield Elementary School~~
Heritage Christian School
1275 South Elm Grove Road.

2.16.040 Appointment of alternative election officials.

The city clerk shall have the discretion to hire election officials to work less than a full day on the day of the election. (Ord. 1586 § 1, 1996; prior code § 1.21)

~~2.08.050 Hours polls are open.~~

~~The polling places in the city shall be open at seven a.m. and closed at eight p.m. for all elections. (Prior code § 1.11)~~

2.16.050 Election day campaigning restricted. 2.08.060

A. No election official may engage in electioneering on election day.

B. No person may engage in electioneering during polling hours on election day within one hundred (100) feet of an entrance to a building containing a polling place.

C. The city clerk, election inspector or law enforcement officer of the city may remove signs or posters or other advertising which is placed in violation of this section.

D. For purposes of this section, "electioneering" means any activity which is intended to influence voting at an election, but shall not include the placement of signs or posters or other advertising on private real estate/property. (Prior code § 9.38)

~~Chapter 2.20 CITY ATTORNEY~~

~~2.20.010 Appointment Duties.~~

~~The city elects, pursuant to the provisions of Section 62.09(3)(b)2., Wisconsin Statutes, that the method of selection of the city attorney shall be by appointment by the mayor, subject to confirmation by the council.~~

~~The appointment as city attorney shall be subject to a one-year probationary period.~~

~~The city attorney may be removed from office by the mayor at any time and for any reason during the probationary period. At any other time during the city attorney's term of office, the city attorney may be removed from office only for cause by the council, pursuant to Section 17.12(1)(c), Wisconsin Statutes.~~

~~The city attorney shall exercise the duties established in Section 62.09(12), Wisconsin Statutes, all other duties specifically granted to the city attorney by the Wisconsin Statutes and such other duties as are listed in the approved city attorney job description or otherwise assigned by the mayor or the council. The city attorney shall not engage in the private practice of law and shall~~

~~devote his full professional efforts, other than for charitable, educational or pro bono activities, exclusively on matters for the city. (Ord. 2069-06 § 1, 2006: prior code § 1.12)~~

~~Chapter 2.24 DIRECTOR OF PUBLIC WORKS~~

~~2.24.010 Appointment and duties.~~

~~—A. Appointment. The director of public works shall be appointed by the mayor, subject to confirmation by the council. The salary and other benefits of such position shall be determined by the council in the salary ordinance.~~

~~—B. Duties. The director of public works shall, under the direction of the mayor, have full and complete charge and control over all public works, public places and public buildings of the city, except for maintenance of certain public buildings of the city and where otherwise provided by law, and shall be in charge of and have superintendence and control over the water and sewer utilities, the engineering department and the highway department.~~

~~—1. He shall supervise and regulate all purchases of supplies and material for all public works.~~

~~—2. He shall, from time to time, make such rules and regulations as may be necessary for improving the efficiency and management of the departments under his jurisdiction.~~

~~C. No estimate or final payment on any contract or other public work shall be paid without the certificate of the director of public works as to satisfactory compliance with plans and specifications therefor. (Prior code § 1.05)~~

Chapter 2.28 FIRE DEPARTMENT

Chapter 2.70 MUNICIPAL COURT

2.70.010 Municipal court--Established.

The municipal court for the city is established pursuant to Ch. 755, Wisconsin Statutes. (Prior code § 1.04(2)(a))

2.70.020 Municipal court--Hours.

The municipal court shall be open as determined by order of the municipal judge. (Prior code § 1.04(2)(b))

2.70.030 Municipal court--Location.

The municipal judge shall keep his office and hold court in accordance with Wisconsin State Statute 755.09. (Ord. 1683 § 1, 1999: prior code § 1.04(2)(c))

2.70.040 Municipal court--Procedure.

The procedure in municipal court shall be as provided by this section and state law including, without limitation because of enumeration, Sections 23.66 to 23.99, 345.20 to 345.53 and Chs. 755, 778 and 800, Wisconsin Statutes. (Prior code § 1.04(2)(d))

2.70.050 Collection and return of forfeitures.

The municipal judge shall collect all forfeitures, penalty assessments, fees and taxable costs in any action or proceeding before him and shall pay over such moneys to the city treasurer within seven days of collection. At such time, the municipal judge shall also report to the city treasurer

the title, nature of offenses and total amount of judgments imposed in actions and proceedings in which such moneys were collected. (Prior code § 1.04(2)(e))

2.70.060 Contempt of court.

A. Procedure. The municipal judge, after affording an opportunity to the person accused to be heard in defense, may punish, for contempt of municipal court, persons found guilty of contempt of court as defined in Section 785.01(1), Wisconsin Statutes, in accordance with Section 785.03, Wisconsin Statutes.

B. Penalty. The municipal judge may, upon finding any person guilty of contempt, order such person to forfeit not more than fifty dollars (\$50.00) plus fifteen (15) percent penalty assessment under Section 165.87, Wisconsin Statutes. Upon nonpayment of the forfeiture and penalty, the person found guilty of contempt may be sentenced to the county jail for not to exceed seven days. (Prior code § 1.04(2)(f))

2.70.070 Stipulations and deposits in municipal court.

A. Deposit Schedule to Be Established. The municipal judge shall establish and submit to the council for approval, in accordance with Section 800.03(3), Wisconsin Statutes, a schedule of deposits for violations of city ordinances, resolutions and bylaws except traffic regulations which are governed by Section 345.27, Wisconsin Statutes, and boating violations governed by Section 23.67, Wisconsin Statutes. When approved by the council, such deposit schedule shall be posted in the office of the municipal court clerk and the police department.

B. Stipulation and Deposit in Lieu of Court Appearance. Persons cited for violations of city ordinances, resolutions or bylaws for which a deposit has been established under this subsection shall be permitted to make a stipulation of no contest and a deposit in lieu of court appearance as provided in Sections 800.03, 800.04 and 800.09, Wisconsin Statutes.

C. Traffic and Boating Deposits. The deposit schedule established by the Wisconsin Board of County Judges and the procedures set forth in Chs. 23 and 345, Wisconsin Statutes, shall apply to stipulations and deposits for violations of traffic regulations enacted in accordance with Section 345.27, Wisconsin Statutes, and boating regulations enacted in accordance with Section 30.77, Wisconsin Statutes.

D. When Not Permitted. Stipulations and deposits shall not be permitted after initial appearance or in cases of contempt under Section 2.32.110. (Prior code § 1.04(3))

2.70.080 Jurisdiction of children twelve or over.

A. The authority of Section 48.17(2), Wisconsin Statutes, as amended by Ch. 359, Laws of 1979, extending jurisdiction of the municipal court to children aged twelve (12) or over for violations of municipal ordinances is invoked. The citation and dispositional order and other processes and procedures prescribed in Ch. 359, Wisconsin Statutes, shall be used.

B. If a citation is issued to a child, the issuing agency shall, within seven days, notify the child's parent or guardian.

C. The penalties imposed against such child shall be as provided in Ch. 959, Wisconsin Statutes, in lieu of those provided in Chapter 1.12. Incarceration shall not be imposed as a penalty. (Ord. 1929 § 1, 2003: amended during 1997 codification; prior code § 1.04(4))

PART II. Chapter 2.72, Abandoned and Unclaimed Property, is hereby removed from Title 2 and renumbered under Title 3, Revenue and Finance.

Chapter ~~2.72~~ 3.14 ABANDONED AND UNCLAIMED PROPERTY

PART III. All ordinances and parts of ordinances contravening the provisions of this ordinance are hereby repealed.

ADOPTED AND APPROVED March 18, 2008

Kristine A. Schmidt, City Clerk

Jeff R. Speaker, Mayor

Published: March 27, 2008