

## TITLE 2

### Government and Administration

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### CHAPTER 1

#### City Government; Elections

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#### **SEC. 2-1-1 CITY GOVERNMENT.**

(a) **Mayor-Council Government.** The City of Plymouth is a body corporate and politic with the powers of a municipality at common law and governed by the provisions of Wis. Stat. chs. 62 and 66, laws amending those chapters, other acts of the legislature and the Constitution of the State of Wisconsin. The City of Plymouth operates under the Mayor-Council form of government under Wis. Stat. ch. 62.

#### (b) **Division of Responsibilities.**

(1) Legislative Branch. The Common Council is the legislative branch of City Government. Its primary business is the passage of laws in the form of ordinances or resolutions which shall prescribe what the law shall be, not only in relation to the particular facts existing at the time, but as to all future cases arising under it. The Common Council shall fix the salaries of all officers and employees of the City and be charged with the official management of the City's financial affairs, its budget, its revenues, and the raising of funds necessary for the operation of the City.

(2) Executive Branch. The Mayor shall be the chief executive officer. He shall take care that all City ordinances and state laws are observed and enforced and that all City officers, boards, committees, and commissions discharge their duties. When present, he shall preside at the meetings of the Common Council. He shall, from time to time, give the Council such information and recommend such measures as he may deem advantageous to the City.

*State Law Reference: Wis. Const., Art XI, Sec. 3.*

#### **SEC. 2-1-2 OFFICIAL NEWSPAPER.**

When publication is used instead of posting, the official newspaper of the City of Plymouth shall be *The Plymouth Review*.

*State Law Reference: Wis. Stat. § 985.06.*

#### **SEC. 2-1-3 APPOINTMENT OF ELECTION OFFICIALS.**

There shall be a minimum of five (5) inspectors for each polling place at each election held under Wis. Stat. chs. 5 to 12 and a minimum of seven (7) inspectors for each polling place for presidential election. When voting machines are used, the number of inspectors may be reduced to not less than three (3) in, accordance with Wis. Stat. § 7.32 at the discretion of the City Clerk. Inspectors shall be appointed as provided in Wis. Stat. § 7.30 by the Mayor no later than the last meeting of the Common Council in the month of December in each even numbered year.

*State Law Reference: Wis. Stat. § 7.30.*

#### **SEC. 2-1-4 ELECTIONS.**

(a) **Annual City Election.** The annual City election shall be held on the first Tuesday in April.

(b) **Polling Hours.** The polls for all elections shall open at 7:00 a.m. and close at 8:00 p.m. The rules for provision of voting booths, ballots and election officials and all of the rules for conduct of elections in Title 11, Wisconsin Statutes, shall apply to elections in the City of Plymouth.

(c) **Polling Places.** The designated polling place for all wards of the City of Plymouth shall be at City Hall or as designated by the Common Council.

#### **SEC. 2-1-5 NON-PARTISAN PRIMARY FOR CITY OFFICES.**

Whenever three (3) or more candidates file nomination papers, candidates for elective City offices shall be nominated by a non-partisan primary conducted pursuant to Wis. Stat. § 8.05(4). Such candidate shall file with his nomination papers a declaration that he will qualify for the office to which he may be elected. (Note: Charter Ordinance).

*State Law Reference: Wis. Stat. §§ 8.05(4) and 8.11.*

**SEC. 2-1-6 REPEALED.<sup>1</sup>**

**SEC. 2-1-7 ALDERMANIC DISTRICTS.<sup>2</sup>**

The following aldermanic districts are hereby established within the City of Plymouth, a map of which shall be maintained in the Clerk's Office at City Hall, and shall be effective for the purpose of local elections beginning on January 1, 2012:

**ALDERMANIC DISTRICT ONE**

All those lands as described in Ward One, Ward Two, and Ward Three of Section 2-1-8 of the Municipal Code of the City of Plymouth.

**ALDERMANIC DISTRICT TWO**

All those lands as described in Ward Four, Ward Five, and Ward Six of Section 2-1-8 of the Municipal Code of the City of Plymouth.

**ALDERMANIC DISTRICT THREE**

All those lands as described in Ward Seven, Ward Eight, and Ward Nine of Section 2-1-8 of the Municipal Code of the City of Plymouth.

**ALDERMANIC DISTRICT FOUR**

All those lands as described in Ward Ten, Ward Eleven, and Ward Twelve of Section 2-1-8 of the Municipal Code of the City of Plymouth.

**SEC. 2-1-8 WARDS.<sup>3</sup>**

The following wards are hereby established within the City of Plymouth, a map of which shall be maintained in the Clerk's Office at City Hall, and shall be effective for the purpose of local elections beginning on January 1, 2012:

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<sup>1</sup> Repealed by Ordinance No. 13 of 2011. Enacted on June 28, 2011.

<sup>2</sup> Re-created by Ordinance No. 13 of 2011. Enacted on June 28, 2011.

<sup>3</sup> Recreated by Ordinance No. 13 of 2011. Enacted on June 28, 2011.

The following wards are hereby established within the City of Plymouth and shall be effective for the purpose of local elections beginning on January 1, 2012:

**WARD ONE**

All those portions of the City located north of the centerline of Suhrke Road AND west of the centerline of State Highway 67 including such portions of the City located immediately adjacent to the easternmost right-of-way of Country Aire Road and north of Western Avenue.

**WARD TWO**

Commencing at the southwesternmost point of the City limits directly adjacent to the northern right-of-way of Summit Street, being the point of beginning; thence northerly along the City Limits to the centerline of Western Avenue, thence northwesterly along the City Limits, thence clockwise along the City limits to the centerline of Suhrke Road, thence east to the centerline of North Milwaukee Street, thence south to the centerline of Elizabeth Street, thence west along the centerline of Elizabeth Street to the centerline of Western Avenue, thence northwesterly along the centerline of Western Avenue to the centerline of Plymouth Street, thence south to the centerline of Summit Street, thence west to the point of beginning.

**WARD THREE**

Commencing at the intersection of Summit Street and Plymouth Street, being the point of beginning, thence north to the centerline of Western Avenue, thence southeasterly along the centerline of Western Avenue to the centerline of Elizabeth Street, thence east to the centerline of North Milwaukee Street, thence north to the centerline of Suhrke Road, thence approximately east 827 feet to the Mullet River, thence southeasterly along the Mullet River to the centerline of the easternmost point of Alfred Street, thence west to the centerline of North Street, thence northwest to the centerline of Forest Avenue, thence west to the centerline of Smith Street, thence south to the centerline of East Main Street, thence east to the centerline of Stafford Street, thence south to the centerline of East Mill Street, thence west to the centerline of Pleasant Street, thence south to the centerline of Summit Street, thence west to the point of beginning.

**WARD FOUR**

Commencing at the intersection of East Mill Street and Stafford Street, being the point of beginning, thence north to the centerline of East Main Street, thence west to the centerline of Smith Street, thence north to the centerline of Forest Avenue, thence east to the centerline of North Street,

thence southeasterly along the centerline of North Street to the centerline of Alfred Street, thence easterly to the easternmost edge of the Mullet River, thence northwesterly to the north corporate boundary, thence clockwise along the City Limits to the centerline of Fairview Drive, thence southerly along the centerline of Fairview Drive to the centerline of Eastern Avenue, thence westerly to the centerline of East Mill Street, thence westerly along the centerline of East Mill Street to the point of beginning.

#### **WARD FIVE**

Commencing at the intersection of Fairview Drive and Eastern Avenue, being the point of beginning, thence northerly along the centerline of Fairview Drive to State Highway 23; thence east to the centerline of North Highland Avenue, thence south to the centerline of Eastern Avenue, thence west to the point of beginning, excepting such portions located within the Town of Plymouth.

#### **WARD SIX**

Commencing at the intersection of North Highland Avenue and Eastern Avenue, being the point of beginning; thence north to the centerline of State Highway 23, thence easterly along the centerline of State Highway 23 to the centerline of State Highway 57, thence south to the centerline of Valley Road extended easterly, thence west along the centerline of Valley Road extended to the centerline of South Pleasant View Road, thence northerly along the centerline of Pleasant View Road to the centerline of Eastern Avenue, thence west to the point of beginning, excepting such portions located within the Town of Plymouth.

#### **WARD SEVEN**

All portions of the City located both east of South Highland Avenue and south of Valley Road extended east to State Highway 57 within the City limits and all lands lying east of State Highway 57 located in the City.

#### **WARD EIGHT<sup>4</sup>**

Commencing at the intersection of North Pleasant View Road and Eastern Avenue, being the point of beginning; thence southerly along the centerline of Pleasant View Road to the centerline of Valley Road; thence west to the centerline of South Highland Avenue; thence south along the centerline of Highland Avenue to the centerline of County Road PP; thence west along the centerline of County Road PP to the centerline of South Street (County Road O); thence northerly along the centerline of

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<sup>4</sup> Amended by Ordinance No. 15 of 2011. Enacted on July 12, 2011.

South Street to the centerline of Clifford Street, thence east to the centerline of South Bruns Avenue, thence northeasterly along the centerline of South Bruns to the centerline of Eastern Avenue, thence east to the point of beginning, excepting all those lands located in the Town of Plymouth.

**WARD NINE**

Commencing at the intersection of County Road PP and South Milwaukee Street, being the point of beginning; thence north to the centerline of Reed Street; thence easterly along the centerline of Reed Street to the centerline of Egan Street; thence southeasterly along the centerline of Egan Street to the centerline of Clifford Street; thence east to the centerline of South Street; thence south to County Road PP, thence west to the point of beginning, AND all portions of the City located east of Highway 67, south of County Road PP, and west of Blueberry Lane.

**WARD TEN**

Commencing at the intersection of Clifford Street and Mead Avenue, being the point of beginning, thence north to the centerline of Collins Street, thence northeasterly to the centerline of Eastern Avenue, thence easterly along the centerline of Eastern Avenue to the centerline of South Bruns Avenue, thence southwesterly along the centerline of South Bruns Avenue to the centerline of Clifford Street, thence west to the point of beginning.

**WARD ELEVEN**

Commencing at the intersection of Reed Street and South Milwaukee Street, being the point of beginning, thence north to the centerline of East Mill Street, thence easterly along the centerline of East Mill Street to the centerline of Eastern Avenue, thence southeasterly along the centerline of Eastern Avenue to the centerline of Collins Street, thence southwesterly along the centerline of Collins Street to the centerline of Mead Avenue, thence south to the centerline of Clifford Street, thence southwesterly along the centerline of Clifford Street to the centerline of Egan Street, thence northwesterly along the centerline of Egan Street to the centerline of Reed Street, thence west to the point of beginning.

**WARD TWELVE**

Commencing at the intersection of State Highway 67 and Country Aire Road, thence north to the centerline of County Road Z/Summit Street, thence east to the centerline of Pleasant Street, thence north to the centerline of West Mill Street, thence east to the centerline of South Milwaukee Street (State Highway 67), thence southerly, thence westerly

along State Highway 67 to the point of beginning, excepting all those lands located in the Town of Plymouth.

#### **SEC. 2-1-9 RESIDENCE OF EMPLOYEES.<sup>5</sup>**

(a) **Employees.** Any sworn police or fire department employees, or emergency personnel of the City of Plymouth, shall within six (6) months after commencement of employment, or following any required probationary period, whichever is later, establish and maintain residence at a distance not greater than 15 miles from the nearest corporate boundary of the City.

(b) **Emergency Personnel Defined.** For purposes of this Section, "Emergency Personnel" shall include the City Administrator/Utilities Manager, Director of Public Works/City Engineer, Electrical Operations Manager, Wastewater Superintendent, Water Foreman, and all other Plymouth Utilities non-administrative staff, snowplow drivers, and any employee determined by the City Administrator/Utilities Manager to be necessary for the public safety in the event of an emergency.

## **CHAPTER 2**

### Mayor; Common Council

2-2-1	Common Council
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<sup>5</sup>Amended by Ordinance No. 14 of 2013. Enacted November 26, 2013.

**SEC. 2-2-1 COMMON COUNCIL.**

The Mayor and Aldermen of the City of Plymouth shall constitute the Common Council. The Common Council shall be vested with all the powers of the City not specifically given some other officer, as well as those powers set forth elsewhere throughout this Code.

*State Law Reference: Wis. Stat. § 62.11.*

**SEC. 2-2-2 ALDERMEN.**

(a) **Election, Term, Number.** The City shall have eight (8) Aldermen in addition to the Mayor, who is a member of the Common Council by virtue of his office as Mayor. The eight (8) Aldermen shall constitute the Common Council. The term of the office of Alderman shall be two (2) years. The Aldermen shall be residents of the Aldermanic Districts from which they are elected, and four (4) of their number representing one Alderman from each District shall be elected each year. There shall be two (2) Aldermen from each District.

(b) **Appointment as Mayor.** An Alderman shall be eligible for appointment as Mayor to fill an unexpired term.

*State Law Reference: Wis. Stat. § 62.09.*

**SEC. 2-2-3 MAYOR.**

(a) **Election.** The regular term of the Mayor shall be two (2) years, with elections in even-numbered years.

(b) **Duties.**

(1) The Mayor shall be the Chief Executive Officer of the City. He shall take care that City ordinances and the State statutes are observed and enforced and that all City officers and employees discharge their duties.

(2) The Mayor shall, from time to time, provide the Council such information and recommend such measures as he may deem advantageous to the City. When present, he shall preside at the meetings of the Council.

(3) The Mayor shall review the development of the City budget.

(4) The Mayor shall provide direction for the City's economic development and other long-range plans.

(5) The Mayor shall analyze and interpret federal, state, and county legislation to determine its impact on the City.

(6) The Mayor shall have such other duties and responsibilities as are prescribed in the Wisconsin Statutes and this Code of Ordinances.

(c) **Veto Power.** He shall have the veto power as to all acts of the Council except such as to which it is expressly or by necessary implications otherwise provided. All such acts shall be submitted to him by the City Clerk/Treasurer and shall be enforced upon his approval evidenced by his signature or, upon his failing to approve and disapprove within five (5) days which fact shall be certified thereon by the Clerk/Treasurer. If the Mayor disapproves, he shall file his objection with the Clerk/Treasurer, who shall present it to the Council at its next meeting. A two-thirds (2/3) vote of all the members of the Council shall be necessary to make the act effective, notwithstanding the objection of the Mayor.

*State Law Reference: Wis. Stat. § 62.09(8).*

#### **SEC. 2-2-4 PRESIDENT OF THE COUNCIL.**

The Common Council at its organizational meeting shall, after organization, annually choose from its members a President who, in the absence of the Mayor, shall preside at meetings of the Council and, during the absence or inability of the Mayor, shall have the powers and duties of the Mayor except that he shall not have power to approve an act of the Council which the Mayor has disapproved by filing objections with the City Clerk/Treasurer. He shall, when so officiating, be styled "Acting Mayor." The President of the Council shall be elected for a one (1) year term of office. The Acting Mayor may, by announcement at the beginning of the meeting, vote in his capacity as Alderman.

*State Law Reference: Wis. Stat. § 62.09(8)(e).*

#### **SEC. 2-2-5<sup>6</sup> STANDING COMMITTEES OF THE COMMON COUNCIL.**

(a) **Committees Established.** The following standing committees of the Common Council are hereby established. Annual appointment to all standing committees shall be made by the Mayor at the organizational meeting of the Common Council in April of each year.

(1) Finance and Personnel Committee [four (4) alderpersons and the Mayor].

(2) Public Works and Utilities Committee [four (4) alderpersons and the Mayor].

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<sup>6</sup> Repealed and Recreated by Ordinance No. 4 of 2011. Enacted on February 22, 2011.

(b) **Committee Appointments.**

(1) Each standing committee will elect a chairperson.

(2)<sup>7</sup> The Mayor shall, with confirmation of the Council, appoint one (1) alderperson from each aldermanic district to either the Finance and Personnel Committee or the Public Works and Utilities Committee.

(3) Each member shall serve as appointed unless excused by a majority of the members of the Council. The Director of City Services shall be a non-voting ex officio member of each standing committee.

(4) For discussion related to business items that do not fall under the duties of a standing committee, the Mayor may declare the entire Council a committee of the whole and shall be an ex officio and chairperson of the same.

(c) **Special Committees.** The Mayor may from time to time appoint such special committees as he or she may deem necessary, which said appointments shall be announced to the Council stating the object and membership of the committee and approved by the Council. A special committee shall not overlap the duties of a standing committee or replace a function of the standing committee unless the standing committee approves the purpose of the special committee. A special committee shall expire upon expiration of the term in office of the appointing mayor.

(d) **Committee of the Whole.** The Mayor and the Alderpersons shall constitute the Committee of the Whole, and when so constituted shall be exempt from all provisions of this Section, provided, however, that proper notice of meetings shall be given by the City Clerk/Treasurer, in accordance with the provisions of Wis. Stat. ch. 19, Subchapter V. The Committee of the Whole shall make recommendation to the Common Council as to all matters to come before it.

(e) **Duties of Finance and Personnel Committee.**

(1) To adopt policies and procedures for the expenditure of public funds.

(2) To give preliminary approval and make recommendations to the Council in matters concerning transfers of funds, investments, continuing appropriations, reserve accounts and any other financial matter.

(3) To annually submit the city and utility budget, with the assistance of the Director of City Services and the City Clerk/Treasurer, for public

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<sup>7</sup> Amended by Ordinance No. 5 of 2011. Enacted March 8, 2011.

hearing and Council approval on or before October 20 of each calendar year in the manner set forth in Wisconsin statutes and adopted policies.

(4) To interview and recommend the hiring of employees for all city departments as prescribed in a hiring policy. The committee may delegate the authority to interview and recommend the hiring of seasonal and/or limited term employees (LTEs) to department heads or the Director of City Services. The Finance and Personnel Committee shall not interview or make recommendations related to the fire department, police department, or library employees.

(5) To listen to and settle grievances from union and nonunion employees subject to the grievance procedures.

(6) To participate in union negotiations and contract review and to make recommendations to the Council regarding such matters.

(7) To establish work rules and personnel policies that would govern those under their jurisdiction.

(8) To annually establish and recommend to the common council the salaries and wages for all employees of the city except employees that fall under other committee, board, or commission jurisdiction.

(f) **Duties of the Public Works and Utilities Committee.**

(1) Responsible for making policy recommendations to the Common Council regarding public works and utilities projects and programs when such business is referred to the committee.

(2) To review and make recommendations related to capital improvement projects when such matters are referred to the committee.

(3) All other matters referred to the committee by the Council.

(g) **Committee Reports.**

(1) All ordinances, resolutions, communications, and other matters submitted to the Council may 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 City Clerk/Treasurer shall read and record each such reference by title. Any Alderperson may require the reading in full of any matter at any time it is before the Council.

(2) Each committee shall, at the next regular Council meeting, submit a verbal or written report on all matters referred to it unless a longer time be

granted by vote of the Council. Such report shall recommend definite action on each item and shall be approved by a majority of the committee. Any committee may require any City officer or employee to confer with it and supply information in connection with any matter pending before it.

#### **SEC. 2-2-6 GENERAL POWERS OF THE COMMON COUNCIL.**

(a) **General.** The Common Council shall be vested with all the powers of the City not specifically given some other officer. Except as otherwise provided by law, the Common Council shall have the management and control of the City property, finances, highways, streets, navigable waters, and the public service and shall have the power to act for the government and good order of the City, for its commercial benefit, and for the health, safety, welfare, and convenience of the public and may carry its powers into effect by license, regulation, suppression, borrowing, taxation, special assessment, appropriation, fine, imprisonment, and other necessary or convenient means. The powers hereby conferred shall be in addition to all other grants and shall be limited only by express language.

(b) **Acquisition and Disposal of Property.** The Common Council may acquire property, real or personal, within or without the City, for parks, libraries, historic places, recreation, beautification, streets, waterworks, sewage or waste disposal, harbors, improvement of watercourses, public grounds, vehicle parking areas, and for any other public purpose; may acquire real property within or continuous to the City, by means other than condemnation, for industrial sites; may improve and beautify the same; may construct, own, lease, and maintain buildings on such property for instruction, recreation, amusement, and other public purposes; and may sell and convey such City-owned property except dedicated, platted parks.

(c) **Acquisition of Easements and Property Rights.** Confirming all powers granted to the Common Council and in furtherance thereof, the Council is expressly authorized to acquire by gift, purchase, or condemnation under Wis. Stat. ch. 32 any and all property rights in lands or waters, including rights of access and use, negative or positive easements, restrictive covenants, covenants running with land, scenic easements, and any rights for use of property of any nature whatsoever however denominated which may be lawfully acquired for the benefit of the public or for any public purpose, including the exercise of powers granted under Wis. Stat. §§ 61.35 and 62.23 and may sell and convey such easements or property rights when no longer needed for public use or protection.

(d) **City Finances.** The Common Council may levy and provide for the collection of taxes and special assessments; may refund any tax or special assessment paid or any part thereof when satisfied that the same was unjust or illegal; and generally may manage the City finances.

(e) **Construction of Powers.** Consistent with the purpose of giving to cities the largest measure of self-government in accordance with the spirit of the home rule amendment to the Constitution, the grants of power to the Common Council in this Section and throughout this Code of Ordinances shall be liberally construed in favor of the rights, powers, and privileges of cities to promote the general welfare, peace, good order, and prosperity of the City and its inhabitants.

*State Law Reference: Art. XI, Sec. 3, Wis. Const.; Wis. Stat. §§ 62.09(7) and 62.11.*

#### **SEC. 2-2-7 COOPERATION WITH OTHER MUNICIPALITIES.**

The Common Council, on behalf of the City, may join with other villages, towns, or cities or other governmental entities in a cooperative arrangement for executing any power or duty in order to attain greater economy or efficiency, including joint employment of appointive officers and employees and joint purchasing programs.

*State Law Reference: Wis. Stat. § 66.0301.*

#### **SEC. 2-2-8 INTERNAL POWERS OF THE COUNCIL.**

The Common Council has the power to preserve order at its meetings, compel attendance of Aldermen, and punish nonattendance. The Common Council shall be judge of the election and qualification of its members.

*State Law Reference: Wis. Stat. § 62. 11.*

#### **SEC. 2-2-9 SALARIES.**

The Mayor and Aldermen who make up the Common Council, whether operating under general or special law, may by majority vote of all the members of the Common Council determine that an annual salary or per diem compensation be paid the Mayor and Aldermen.

*State Law Reference: Wis. Stat. § 62.09(6).*

#### **SEC. 2-2-10 MEETINGS OF THE COMMON COUNCIL.**

(a) **Annual Organization Meeting.** Following a regular City election, the Common Council shall meet on the third Tuesday in April for the purpose of organization.

(b) **Date and Time of Regular Meetings.** Regular meetings of the Common Council shall be held on the second and last Tuesdays of each month, provided,

however, that any one (1) monthly meeting may be dispensed should the Common Council so direct. All regular meetings of the Common Council shall commence at 8:00 p.m. and shall be held at City Hall unless the Council shall otherwise direct.

(c) **Electronic Devices.** Electronic devices shall be permitted in open meetings pursuant to Wis. Stat. § 19.90 provided such devices do not disrupt or interfere with the conduct of the meeting. No person shall have in his/her possession or make use of any electronic device within the Council Chambers or other room in which such meeting shall be conducted during any closed session of the Common Council or Committee of the Whole. Electronic device shall include but not be limited to any recording device, cell or other type of telephone or personal communications device, video recorder, electronic digital camera, or radio. Notice thereof shall be conspicuously posted outside the Council Chambers or other room in which such meeting shall be conducted. The use of electronic devices by emergency personnel and City Clerk in closed meetings shall be excepted.

(d) **Posting of Closed Meeting.** There shall be conspicuously posted outside the Council Chambers or other room in which such meeting shall be conducted a notice indicating any closed meeting of the Common Council or Committee of the Whole held in accordance with the provisions of Wis. Stat. § 19.85.

(e) **Video Recording of Common Council Meetings.** Video recordings shall be made of all meetings of the Common Council and Committee of the Whole or portions thereof that are open to the public and shall be placed on file with the office of the City Clerk/Treasurer within two (2) weeks following recording. Such recording may be dispensed with by a majority vote of members present at any such meeting.

*(Created 09/09)*

*State Law Reference: Wis. Stat. § 62.11(2).*

## **SEC. 2-2-11 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 (6) hours before the meeting. The City Clerk/Treasurer shall cause an Affidavit of Service of such notice to be filed in his office prior to the time fixed for such special meetings.

*State Law Reference: Wis. Stat. § 62.11(2).*

## **SEC. 2-2-12 OPEN MEETINGS.**

All meetings of the Common Council and other City governmental bodies except legal closed sessions shall be open to the public and in compliance with

Wisconsin's Open Meeting Law. Public notice of every meeting of a City governmental body shall be given at least twenty-four (24) hours prior to the commencement of such meeting unless for good cause such notice is impossible or impractical, in which case shorter notice may be given, but in no case may the notice be provided less than two (2) hours in advance of the meeting. Separate public notice shall be given for each meeting of a City governmental body at a time and date reasonably proximate to the time and date of the meeting.

*State Law Reference: Wis. Stat. § 62.11(3)(c) ch. 19, Subchapter. V.*

### **SEC. 2-2-13 QUORUM.**

(a) A two-thirds (2/3) majority of the Aldermen of the Common Council shall constitute a quorum but a lesser number may adjourn if a majority is not present or compel the attendance of absent members. No action shall be taken unless a quorum is present. The Mayor shall not be counted in determining whether a quorum is present at a meeting but may cast his vote 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.

(b) The Council may, by a majority vote of those present, adjourn from time to time to a specific date and hour.

*State Law Reference: Wis. Stat. § 62.11(3)(b).*

### **SEC. 2-2-14 PRESIDING OFFICERS.**

(a) **Presiding Officer.** The Mayor shall preside over all meetings of the Common Council. In the absence of the Mayor, the President of the Council shall preside and, during the absence or inability of the Mayor, shall have the powers and duties of the Mayor, except that he shall not have power to approve an act of the Council which the Mayor has disapproved by filing an objection with the Clerk/Treasurer. He shall, when so officiating, be styled "Acting Mayor." In the absence of both the Mayor and the President of the Council, the Clerk/Treasurer shall call the meeting to order and preside until the Council shall, by motion, select a president pro tem for that night. The "Acting Mayor" shall have voting rights as provided in Section 2-2-4.

(b) **Duties.** The presiding officer shall preserve order and decorum, decide all questions of order, and conduct the proceedings of the meeting in accordance with the parliamentary rules contained in *Robert's Rules of Order, (Revised)*, unless otherwise provided by statute or by these rules. Any member shall have the right to appeal from a decision of the presiding officer. An appeal shall be sustained by a majority vote of the members present excluding the Mayor. In the absence of the City Clerk/Treasurer, the presiding officer shall appoint a clerk pro tem.

*State Law Reference: Wis. Stat. § 62.09(8).*

**SEC. 2-2-15 ORDER OF BUSINESS.<sup>8</sup>**

(a) **Order of Business.** At all regular meetings of the Common Council, the order of business shall be generally conducted as follows:

- (1) Call to order and roll call
- (2) Approval of the Consent Agenda
- (3) Pledge of Allegiance
- (4) Citizen comments and public input
- (5) Public Hearings
- (6) Ordinances
- (7) Resolutions
- (8) Items removed from Consent Agenda
- (9) Committee Reports and Actions
- (10) Old Business
- (11) New Business, including items for future agenda consideration or committee assignment.
- (12) Adjournment

(b) **Agenda Approval.** The City Clerk-Treasurer shall create the agenda with the approval of the Administrator. Prior to publication the agenda shall be reviewed by the Mayor or Council President. The Mayor, Alderpersons, or Department Heads who wish to include items on the agenda shall make their request to the Administrator no later than twelve noon on the third business day preceding the Common Council meeting. The Administrator shall honor all timely requests of the Mayor and Alderpersons.

(c) **Consent Agenda.** The Administrator and City Clerk-Treasurer are hereby authorized to create a subsection on any Common Council agenda entitled "Consent Agenda" in which the Administrator or City Clerk/Treasurer shall place matters which in his/her judgment, are routine and noncontroversial and which do not require a special vote or action to be taken by the Common Council. No separate discussion or debate shall be permitted on any matters which have been included in the Consent Agenda. A single motion, seconded and adopted by a majority vote of the Common Council shall be sufficient to approve, adopt, enact, or otherwise favorably resolve any matter listed on the Consent Agenda without the requirement of a separate reading or discussion thereof. An Alderperson may request removal of any item or part thereof included in the Consent Agenda and such item or part thereof shall be removed without debate or vote. Any item or part thereof removed from the Consent Agenda by action of the Common Council shall be separately considered at the appropriate time during the Common Council's regular order of business.

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<sup>8</sup>Amended by Ordinance No. 18 of 2013. Enacted November 26, 2013.

(d) **Publication of Agenda.** The City Clerk/Treasurer shall publish an agenda for all meetings of the Common Council and shall mail the same to the Mayor, all Alderpersons, and all other persons in interest not later than forty-eight (48) hours in advance of the commencement of such meeting subject, however, to the provisions of Wis. Stat. §§ 19.84 and 62.11(2) with regard to emergency special meetings thereof. The agenda shall set forth each item upon which a vote of the Common Council can reasonably be expected to be taken at such meeting.

(e) **Order to be Followed & Citizen Comments.** No business shall be taken up out of order unless by three-fourths (3/4) consent of all Alderpersons and in the absence of any debate whatsoever. The Mayor or Presiding Officer may impose a time limit on the length of time citizens may address the Council.

(f) **Roll Call & Procedure When Quorum Lacking.** As soon as the Council shall be called to order, the City Clerk/Treasurer shall proceed to call the names of the members, noting who are present and who are absent and record the same in the proceedings of the Council. If it shall appear that there is not a quorum present, the fact shall be entered on the meeting record and the Council shall adjourn.

#### **SEC. 2-2-16 INTRODUCTION OF BUSINESS, RESOLUTIONS, AND ORDINANCES; DISPOSITION OF COMMUNICATIONS.**

(a) **Ordinances to be in Writing.** All ordinances submitted to the Council shall be in writing and shall begin with a brief statement of the subject matter and a title. Any written material introduced may be referred to the appropriate committee pursuant to Section 2-2-5. Any member of the Council may require the reading in full of any ordinance or resolution at any time it is before the Council.

(b) **Subject and Numbering of Ordinances.** Each ordinance shall be related to no more than one (1) subject. Amendment or repeal of ordinances shall only be accomplished if the amending or repealing ordinance contains the number and title of the ordinance to be amended or repealed, and title of amending and repealing ordinances shall reflect their purpose to amend or repeal.

(c) **Notice.** The Common Council may take action on an ordinance only if it appears on the agenda for the meeting at which action is requested pursuant to Section 2-2-15(a).

(d) **Disposition of Petitions, Communication, Etc.** Every petition or other writing of any kind, addressed to the Council, the Clerk/Treasurer or other City officer for reference to the Common Council, shall be delivered by the

Clerk/Treasurer or such other City officer to the Mayor or to the presiding officer of the Council as soon as convenient after receipt of same and, in any event, prior to or at the opening of the next meeting of the Council following receipt of same. Every such petition or other writing and every paper, communication, or other proceeding which shall come before the Council for action may be referred by the Mayor or presiding officer unless objected to by a member of the Council.

#### **SEC. 2-2-17 PUBLICATION AND EFFECT OF ORDINANCES.**

(a) All general ordinances of the City and all regulations imposing any penalty shall be published in the official paper of the City once and shall be immediately recorded, with the affidavit of publication, by the City Clerk/Treasurer in a book kept for that purpose. A printed copy of such ordinance or regulation in any book, pamphlet or newspaper and published or purporting to be published therein by direction of the Common Council shall be prima facie proof of due passage, publication and recording thereof.

(b) All ordinances shall take effect and be in force from and after passage and publication, unless otherwise provided and published copies thereof shall have appended the date of first publication.

*State Law Reference: Wis. Stat. § 62.11(4).*

#### **SEC. 2-2-18 CONDUCT OF DELIBERATIONS.**

Except as provided below, the Common Council shall, in all other respects, determine the rules of its procedure, which shall be governed by *Robert's Rules of Order, (Revised)* which is hereby incorporated by reference, unless otherwise provided by ordinance or Statute, except when otherwise limited or modified by this Code of Ordinances:

(a) **Addressing Chair.** No Alderman or other City officer shall address the Council until he has been recognized by the presiding officer. He shall thereupon address himself to the presiding officer and confine his remarks to the question under discussion.

(b) **Recognition.** When two (2) or more members simultaneously seek recognition, the presiding officer shall name the member who is to speak first.

(c) **Addressing Council.** No person other than a member shall address the Council except under order of business, except that citizens may address the Council with the permission of the presiding officer as to matters which are being considered by the Council at the time.

(d) **Motions.** No motion shall be discussed or acted upon unless and until it has been seconded. No motion shall be withdrawn or amended without the consent of the person making the same and the person seconding it.

(e) **Mayor's Vote.** The Mayor shall not vote except in the case of a tie. When the Mayor does vote in 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 State statute. Except as otherwise provided, a majority vote of those present shall prevail in other cases.

(f) **Action on Questions.** When a question is under discussion, no action shall be in order except:

- (1) To adjourn.
- (2) To lay on the table.
- (3) The previous question.
- (4) To postpone to a certain day.
- (5) To refer to a committee.
- (6) To amend.
- (7) To postpone indefinitely.

These motions shall have precedence in the order listed.

(g) **Vote on Main Question.** Any member desirous of terminating the debate may move the previous question, in which event the Mayor shall announce the question as "Shall the main question now be put?" If a majority 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 bring the Council to a direct vote, first upon any pending amendments and then upon the main question.

(h) **Voting.** The "ayes" and "noes" may be requested by any member. On confirmation 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 by "ayes" and "noes." Whenever a roll call is required by law or called for by a member, the Clerk/Treasurer shall call the roll, except that the Clerk/Treasurer shall rotate the order.

(i) **Non-Debatable Motions.** A motion to adjourn shall always be in order. A motion to adjourn, lay on the table, and a call for the previous question shall be decided without debate.

*State Law Reference: Wis. Stat. § 62.11.*

**SEC. 2-2-19 RECONSIDERATION OF QUESTIONS.**

It shall be in order for any member, if in the majority, to move for the reconsideration of any vote in question at the same meeting or at the next succeeding regular adjourned meeting. A motion to reconsider being put and lost shall not be renewed.

**SEC. 2-2-20 CALL FOR THE PREVIOUS QUESTION.**

Any member desirous of terminating the debate may call the previous question when the question announced by the Mayor shall be "call the main question." If a majority of the members present vote in the affirmative, the main question shall be put to a vote without further debate, and its effect shall be to put an end to all debate and bring the Council to a direct vote, first upon the pending amendment and then upon the main question.

**SEC. 2-2-21 AMENDMENT OF RULES.**

The rules of this Chapter shall not be rescinded or amended unless the proposed amendment or motion to rescind has laid over from a regular meeting, and then it shall require a vote of two-thirds (2/3) of all the members of the Council.

**SEC. 2-2-22 SUSPENSION OF RULES.**

Any of the provisions of Sections 2-2-17 through 2-2-21, inclusive, of this Code may be suspended temporarily by a recorded vote of three-fourths (3/4) of the Council members present at any meeting.

**CHAPTER 3**

Municipal Officers and Employees

- 2-3-1 General Provisions
- 2-3-2 Office of City Clerk and Office of City Treasurer
- 2-3-3 Deputy Clerk
- 2-3-4 City Attorney
- 2-3-5 Chief of Police
- 2-3-6 Fire Chief
- 2-3-7 Director of Public Works/City Engineer
- 2-3-8 Assessor and Building Inspector
- 2-3-9 Superintendent of Parks
- 2-3-10 Superintendent of Cemeteries
- 2-3-11 Repealed
- 2-3-12 Repealed

2-3-13	Weed Commissioner
2-3-14	Eligibility for Office
2-3-15	Removal from Office
2-3-16	Custody of Official Property
2-3-17	Oath of Office; Bonds of Officers
2-3-18	City Background Investigations and Police Records Checks Regarding Applicants for Employment and Prospective Appointees
2-3-19	Deputy Treasurer
2-3-20	City Administrator/Utilities Manager

### **SEC. 2-3-1 GENERAL PROVISIONS.**

(a) **General Powers.** Officers of the City of Plymouth shall have generally the powers and duties prescribed for like officers of cities, towns and villages, except as otherwise provided, and such powers and duties as are prescribed by law and except as to the Mayor, shall perform such duties as shall be required of him by the Council. Officers whose powers and duties are not enumerated in Wis. Stat. ch. 62 shall have such powers and duties as are prescribed by law for like officers or as are directed by the Council.

(b) **Rules.** All officers and departments may make the necessary rules for the conduct of their duties and incidental proceedings.

(c) **Applicability of Ethics Statutes.** The general laws for the punishment of bribery, misdemeanors, and corruption in office shall apply to City officers.

(d) **Legal Representation.** Whenever any City official in his official capacity proceeded against or obliged to proceed before any civil court, board, committee, or commission to defend or maintain his official position, or because of some act arising out of the performance of his official duties, and he has prevailed in such proceedings, or the Council has ordered the proceedings discontinued, the Council may provide for payment to such official such sum as it sees fit to reimburse him for the expenses reasonably incurred for costs and attorneys' fees.

*State Law Reference: Wis. Stat. §§ 62.09(7) and 62.115.*

### **SEC. 2-3-2 OFFICE OF CITY CLERK AND OFFICE OF CITY TREASURER.**

(a) **Appointment Not to Be Governed by Statutes.** The City of Plymouth, pursuant to Wis. Stat. §§ 62.09 and 66.0101 hereby elects not to be governed by those portions of Wis. Stat. ch. 62 which are in conflict with this Section. (Note: Charter Ordinance.)

(b) **Option to Combine Offices.** The offices of City Clerk and City Treasurer may be consolidated and the duties of both offices performed by the person appointed as City Clerk-Treasurer.

(c) **Duties of City Clerk.** The City Clerk shall be responsible for performing those duties required by Wis. Stat. § 62.09(11) and for duties identified in the job description of the position to include but not be limited to:

- (1) Perform all election duties as required by Wisconsin Statute and keep and maintain all election records and all property used in conjunction with holding of elections;
- (2) Publish all legal notices unless otherwise provided, file and preserve all contracts, bonds, oaths of office, and other documents not required to be filed elsewhere;
- (3) Issue all licenses required by ordinance or statute except as otherwise provided;
- (4) Prepare the tax roll and tax notices required by the State of Wisconsin;
- (5) Attend meetings, take minutes, and maintain files for the Common Council and such other official boards and commissions as may be directed;
- (6) Maintain a file on all City records, ordinances, resolutions, and vouchers;
- (7) Administer oaths and affirmations including serving as a Public Notary;
- (8) Perform other such duties as may be required of the office.

(d) **Duties of City Treasurer.** The City Treasurer shall be responsible for performing those duties required by Wis. Stat. § 62.09(9) and for duties identified in the job description of the position to include but not be limited to:

- (1) Maintain fiscal records for the City and serve as City Comptroller;
- (2) Assist the City Assessor and Building Inspector in maintaining property assessment records;
- (3) Make reports to the State on assessments;

- (4) Perform recordkeeping, billing, collections, banking, investments, accounting, and financial reporting of all municipal operations;
- (5) Develop and implement improved internal control and financial reporting procedures as necessary or as requested;
- (6) Collect all taxes for the City and other taxing bodies;
- (7) Invest idle funds for maximum interest earnings;
- (8) Prepare or coordinate monthly financial reports;
- (9) Prepare or coordinate check vouchers for payment of approved claims for signature;
- (10) Assist the City Administrator/Utilities Manager with the preparation and compilation of the annual budget with approval of the Common Council;
- (11) File financial and other reports with various state or federal agencies;
- (12) Make property tax settlements with the County Treasurer and turn over to other taxing jurisdictions their proportionate share of property tax collections;
- (13) Perform such other duties as may be required of the office.

*State Law Reference: Wis. Stat. § 62.09(9) and (11).*

### **SEC. 2-3-3 DEPUTY CLERK.**

The Clerk may appoint a Deputy Clerk subject to confirmation by a majority of the members of the Common Council. The Deputy Clerk shall act under the Clerk's direction and who, during the temporary absence or disability of the Clerk or during a vacancy in such office, shall perform the duties of Clerk. A Deputy Clerk may be combined with a Treasurer or Deputy Treasurer position.

### **SEC. 2-3-4 CITY ATTORNEY.**

(a) **Appointment.** The office of City Attorney is an appointed position. The Common Council shall appoint the City Attorney, who shall have a two (2) year term commencing on May 1st of each odd-numbered year.

*(Revised 02/10)*

(b) **Duties.** The City Attorney shall have the following duties:

- (1) The Attorney shall conduct all of the law business in which the City is interested.
- (2) He shall, when requested by City officers, give written legal opinions, which shall be filed with the City.
- (3) He shall draft ordinances, bonds and other instruments as may be required by City officials.
- (4) He may appoint an assistant, who shall have power to perform his duties and for whose acts he shall be responsible to the City. Such assistant shall receive no compensation from the City, unless previously provided by ordinance.
- (5) The Common Council may employ and compensate special counsel to assist in or take charge of any matter in which the City is interested.
- (6) The City Attorney shall perform such other duties as provided by State law and as designated by the Common Council.

*State Law Reference: Wis. Stat. § 62.09(12).*

#### **SEC. 2-3-5 CHIEF OF POLICE.**

(a) **Appointment.**

- (1) The Chief of Police shall be appointed by the Police and Fire Commission and shall hold office during satisfactory performance, subject to suspension or removal by the Commission pursuant to law.
- (2) The compensation to be paid the Chief of Police for his services, the hours of active duty, rest days, vacation periods and other involvement of his or her employment shall be such as may be determined by the Common Council from time to time.

(b) **General Duties.** The Chief of Police shall:

- (1) Have command of the Police, Department of the City under direction of the Mayor and Common Council;
- (2) Have general administration and control of the Department;
- (3) Be responsible for the Department's government, efficiency and general good conduct;

- (4) Perform all duties prescribed to him by laws of the State and ordinances of the City;
- (5) Develop Department policies and procedures;
- (6) Maintain Department ethics and discipline;
- (7) Delegate assignments or duties to police officers, and monitor to see that responsibilities are carried out;
- (8) Perform the duties of a police officer during a portion of every Regular shift;
- (9) Identify and evaluate ideas to achieve more efficient and effective operation;
- (10) Prepare Department budget requests and maintains expenditures within approved budgetary levels;
- (11) Authorize overtime work for police officers, with supporting justification provided to the Mayor and Common Council or committee thereof;
- (12) Participate in the recruitment, testing and selection of new personnel;
- (13) Supervise and participate in the advanced and continuing training of police officers and non-sworn Department employees;
- (14) Cooperate with county, state, and federal officials, and other municipal law enforcement agencies;
- (15) Make special reports to the Common Council and Police and Fire Commission on request; and advise and cooperate with other City departments in matters of public safety;
- (16) Perform other miscellaneous duties as assigned.

*State Law Reference: Wis. Stat. § 62.13.*

**SEC. 2-3-6 FIRE CHIEF.**

(a) **Appointment.** The Fire Chief shall be appointed by the Police and Fire Commission and shall hold office during satisfactory performance, subject to suspension or removal pursuant to law.

(b) **Duties and Powers.**

(1) The Chief shall have general supervision of the Fire Department personnel, apparatus, and equipment. He, or his designee, shall be present at fires and command all fire-fighting operations. The Fire Chief may make such further rules, regulations, and policies for the government of the Fire Department as he may deem necessary, provided such rules and regulations shall not be inconsistent with the laws of the State of Wisconsin or Department bylaws. The Fire Chief shall by virtue of his office hold the office of Fire Inspector or he may delegate a member of the Department to serve as the Fire Inspector.

(2) He shall enforce all fire prevention ordinances of the City and State laws and regulations pertaining to fire prevention, and shall keep citizens informed on fire prevention methods, and on the activities of the Department.

(c) **Reports of Chief.** The Fire Chief shall report to the Common Council from time to time at his discretion or upon the request of said Common Council on matters concerning departmental matters and shall perform such other duties in conformance with his office as may from time to time be required of him by the Common Council.

*State Law Reference: Wis. Stat. § 62.13.*

**SEC. 2-3-7<sup>9</sup> DIRECTOR OF PUBLIC WORKS/CITY ENGINEER.**

(a) **Position Created.** There is hereby created the office of Director of Public Works/City Engineer.

(b) **Appointment.** The Director of Public Works/City Engineer shall be appointed by the Common Council. Compensation shall be established from time to time by the Common Council. The Director of Public Works/City Engineer shall engage in no other remunerative employment without the consent of the Common Council. Initial appointment shall be for a twelve (12) month probationary period.

(c) **Removal.** The Director of Public Works/City Engineer may be removed from office by a three-fourths (3/4) vote of the Common Council pursuant to State law.

(d) **Duties.** The Director of Public Works/City Engineer shall have the following duties:

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<sup>9</sup> Amended by Ordinance No. 13 of 2013. Enacted on December 10, 2013.

- (1) Plan, direct, and coordinate all public works construction and maintenance, including but not limited to streets, storm sewers, water and sewer infrastructure, building and grounds, solid waste disposal, plat review, and City planning.
- (2) Provide civil engineering and surveying services to the City and any department thereof as may be needed from time to time.
- (3) Supervise, manage, control, and maintain all public parks and recreational facilities subject to the direction of the Park Commission, and all municipal cemeteries.
- (4) Exercise supervisory jurisdiction over the Street Department and Water and Sewer Utility under the general direction of the City Administrator/Utilities Manager.
- (5) Attend all meetings of the Common Council, Parks Committee, Plan Commission, and such others as may be required from time to time.
- (6) Perform the duties of Superintendent of Parks and Superintendent of Cemeteries outlined in this Code of Ordinances.
- (7) Such other duties as may be assigned by the Mayor and Common Council or City Administrator/Utilities Manager from time to time.
- (8) Shall serve as Sediment Manager with respect to Wis. Admin. Code Ch. NR 528.

#### **SEC. 2-3-8 ASSESSOR AND BUILDING INSPECTOR.**

- (a) **Positions Created.** There are hereby created the positions of Assessor and of Building Inspector. Such positions may be filled by the appointment of one or more persons qualified to perform the duties of such positions, or may be provided by contracted service from a qualified entity.
- (b) **Appointment.** An individual appointment to the office of Assessor and to the office of Building Inspector may be made by the Mayor, subject to confirmation by the Common Council. Compensation shall be established from time to time by the Common Council. The Assessor and Building Inspector shall engage in no other remunerative employment without the consent of the Common Council. Initial appointments shall be for a six (6) month probation period. Any person appointed to the Office of City Assessor or to the Office of Building Inspector shall qualify therefore in accordance with the provisions of the Wisconsin Statutes. The Assessor and the Building Inspector shall have required certification from the State of Wisconsin. Approval for contracted

services in lieu of an individual appointment shall be made by the Common Council.

(c) **Performance Evaluation.** An annual individual performance evaluation shall be conducted by the Common Council, or its designee, each year.

(d) **Duties.**

1. The Assessor, or a contracted entity retained to perform such services, shall have the duties to be performed by an assessor pursuant to Wis. Stat. ch. 70.

2. The Building Inspector, or a contracted entity retained to perform such services, shall be responsible for the enforcement of all building codes and zoning regulations pursuant to the provisions of Wis. Stat. § 62.17, and Titles 13, 14 and 15 of this Code of Ordinances; may serve as secretary of the Plan Commission; and shall perform such other duties as may be assigned from time to time by the Common Council.

(e) **Confidentiality of Information.** Whenever the Assessor, in the performance of the Assessor's duties, requests or obtains income and expense information pursuant to Wis. Stat. § 70.47(7)(af) 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 discharge of duties imposed by office (including, but not limited to, use by the Assessor in performance of official duties of the Assessor's office and use by the Board of Review in performance of its official duties); or pursuant to order of a court. Income and expense information provided to the Assessor under § 70.47(7)(af), unless a court determines that it is inaccurate, is, per § 70.47(7)(af) not subject to the right of inspection and copying under Wis. Stat. § 19.35(1).

(f) **Assistants.** Such assistants as may be deemed necessary from time to time may be appointed by the Mayor subject to approval by the Common Council.

*(Revised 06/09)*

## **SEC. 2-3-9 SUPERINTENDENT OF PARKS.**

(a) **Position Created.** The office of Superintendent of Parks is hereby established.

(b) **Appointment.** The Superintendent of Parks shall be appointed by the Mayor, subject to confirmation by the Common Council. Compensation shall be established from time to time by the Common Council. The Superintendent of Parks shall engage in no other remunerative employment without the consent of

the Common Council. Initial appointment shall be for a six- (6-) month probationary period.

(c) **Evaluation.** An annual performance evaluation shall be conducted by the Common Council, or its designee, in March of each year.

(d) **Removal.** The Superintendent of Parks may be removed from office without cause by a three-fourths (3/4) vote of the Common Council.

(e) **Duties.** The Superintendent of Parks shall have general supervision, management, and control over all matters relating to Parks, playgrounds, and the athletic field, and shall be directly responsible to the Park Commission. He shall obtain such assistance as is needed from the Street Superintendent, and shall enjoy the cooperation of the Street Superintendent and the Director of Public Works, as required in the performance of his duties. He shall perform such duties as may be assigned to him from time to time by the Parks Commission and Common Council.

#### **SEC. 2-3-10 SUPERINTENDENT OF CEMETERIES.**

(a) **Position Created.** The office of Superintendent of Cemeteries is hereby established.

(b) **Appointment.** The Superintendent of Cemeteries shall be appointed by the Mayor, subject to confirmation by the Common Council. Compensation shall be established from time to time by the Common Council. The Superintendent of Cemeteries shall engage in no other remunerative employment without the consent of the Common Council. Initial appointment shall be for a six (6) month probationary period.

(c) **Evaluation.** An annual performance evaluation shall be conducted by the Common Council or its designee, in March of each year.

(d) **Removal.** The Superintendent of Cemeteries may be removed from office without cause by a three-fourths (3/4) vote of the Common Council pursuant to state law.

(e) **Duties.** The Superintendent of Cemeteries shall have general supervision and charge of cemetery grounds, and the laying out of cemetery lots, the sale thereof, and the recording of ownership of all lots. He shall keep all necessary records of all burials and of all burial permits and of the transfer of ownership of lots, and shall be directly responsible to the Common Council, and shall abide by such rules and regulations as may be promulgated from time to time by such committee.

**SEC. 2-3-11** (Repealed)<sup>10</sup> (Formerly Utilities Manager)

**SEC. 2-3-12** (Repealed)

**SEC. 2-3-13 WEED COMMISSIONER.**

The Weed Commissioner shall be appointed by the Mayor, subject to Council confirmation. The term of office of the Weed Commissioner shall commence on the first day of May following his appointment. The Weed Commissioner shall take the official oath, which oath shall be filed in the Office of the Clerk-Treasurer and shall hold office for one (1) year. The Weed Commissioner shall hold office pursuant to and fulfill the duties set out in state law.

*State Law Reference: Wis. Stat. § 66.0517.*

**SEC. 2-3-14 ELIGIBILITY FOR OFFICE.**

(a) No person shall be elected by the people to a City office who is not, at the time of his election, a citizen of the United States and of this State, and an elector of the City, and in case of a ward office, of the ward and actually residing therein.

(b) An appointee by the Mayor, requiring to be confirmed by the Council, who shall be rejected by the Council, shall be ineligible for appointment to the same office for one (1) year thereafter.

(c) No member of the Common Council shall, during the term for which he is elected, be eligible for an office or position which, during such term, has been created by, or the selection to which is vested in, the Council provided that the Council may be represented on City boards or commissions where no additional remuneration is paid such representative except as otherwise provided by the laws of the State of Wisconsin.

*State Law Reference: Wis. Stat. § 62.09(2).*

**SEC. 2-3-15 REMOVAL FROM OFFICE.**

(a) **Elected Officials.** Elected officials may be removed by the Common Council as provided in Wis. Stat. §§17.12(l)(a) and 17.16.

(b) **Appointed Officials.** Appointed officials may be removed as provided in Wis. Stat. §§ 17.12(l)(c) and 17.16.

*Annotation: 62 Atty. Gen. Op. 97.*

**SEC. 2-3-16 CUSTODY OF OFFICIAL PROPERTY.**

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<sup>10</sup> Repealed in its entirety by Ordinance No. 11 of 2013. Enacted on December 10, 2013.

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

*State Law Reference: Wis. Stat. § 19.21.*

**SEC. 2-3-17 OATH OF OFFICE.**

(a) **Oath.** Every person elected or appointed to any statutory office shall take and file his official oath within ten (10) days after the notice of his election or appointment.

**SEC. 2-3-18 CITY BACKGROUND INVESTIGATIONS AND POLICE RECORDS CHECKS REGARDING APPLICANTS FOR EMPLOYMENT AND PROSPECTIVE APPOINTEES.**

The City of Plymouth Police Department is authorized to conduct city background investigations and police records checks regarding any applicant for employment or prospective appointee when so requested by any employing authority, and to issue a written report with respect thereto. The purpose of the investigation, record check, and report is to determine suitability for employment or continued employment.

**SEC. 2-3-19 DEPUTY TREASURER.**

The Treasurer may appoint a Deputy Treasurer subject to confirmation by a majority of the members of the Common Council. The Deputy Treasurer shall act under the Treasurer's direction and during the temporary absence or disability of the Treasurer or during a vacancy in such offices shall perform the duties of Treasurer. A Deputy Treasurer may be combined with a City Clerk or Deputy Clerk position.

**SEC. 2-3-20 CITY ADMINISTRATOR/UTILITIES MANAGER.<sup>11 12 13</sup>**

(a) **Office of the City Administrator/Utilities Manager.** In order to provide the City of Plymouth with a more efficient, effective and responsible government under a system of a part-time Mayor and part-time Common Council (hereinafter referred to as "Council") at a time when city government is becoming increasingly complex, there is hereby created the Office of the City Administrator/Utilities Manager for the City of Plymouth (hereinafter referred to as "Administrator"). All reference to the Administrator in any other part of the Municipal Code of the City of Plymouth or other City policy documents shall now hereby apply to the position of "City Administrator/Utilities Manager."

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<sup>11</sup> Repealed and Recreated by Ordinance No. 23 of 2011. Enacted on November 29, 2011.

<sup>12</sup> Amended by Ordinance No. 18 of 2012. Enacted on July 31, 2012.

<sup>13</sup> Amended by Ordinance No. 12 of 2013. Enacted on December 10, 2013.

(b) **Appointment, Term of Office, and Removal.** The Administrator shall be appointed on the basis of merit with due regard to training, experience, administrative ability, and general fitness for the office by a majority vote of the Council. The Administrator shall hold office for an indefinite term subject to removal at any time by a majority vote of the Council. This section, however, shall not preclude the Council from establishing other employment terms and conditions not inconsistent with the provisions of this ordinance or the Municipal Code of the City of Plymouth.

(c) **Functions and Duties of the Administrator.** The Administrator, subject to the limitations defined in resolutions and ordinances of the City of Plymouth and Wisconsin State Statutes, shall be the chief administrative officer of the City responsible only to the Mayor and the Council for the proper administration of the business affairs of the city, pursuant to the statutes of the State of Wisconsin, the ordinances of the City of Plymouth, and the resolutions and directives of the council with power and duties as follows:

- (1) Carry out the directives of the Mayor and Council which require administrative implementation, reporting promptly to the Mayor and Council any difficulties encountered therein;
- (2) Be responsible for the administration of all day-to-day operations of the city government and utilities including the monitoring of all City ordinances, resolutions, Council meeting minutes, and state statutes;
- (3) Prepare a plan of administration, including an organization chart which defines the authority and responsibility for all nonstatutory positions of the city and utilities and submit it to the Council for adoption as the official organization and administrative procedure plan for the City and utilities as part of the annual budget;
- (4) Establish when necessary administrative procedures to increase the effectiveness and efficiency of city government according to current practices in local government, not inconsistent with Subparagraph (3) above or directives of the Mayor and Council;
- (5) Serve as an ex-officio nonvoting member of all boards, commissions, and committees of the City, who shall not be counted for purposes of determining whether a quorum is present, except as otherwise specified by the Council or Wisconsin State Statutes;
- (6) Keep informed concerning current federal, state, and county legislation and administrative rules affecting the city and submit appropriate reports and recommendations thereon to the council;

(7) Keep informed concerning the availability of federal, state, and county funds for local programs. Assist department heads and the Council in obtaining these funds under the direction of the Mayor and the Council;

(8) Represent the city and utilities in matters involving legislative and inter-governmental affairs as authorized and directed as to that representation by the Mayor or Council;

(9) Act as the public information officer for the city with the responsibility of assuring that the news media are kept informed about the operations of the city and work with the City Clerk/Treasurer to assure that all open meeting rules and regulations are followed;

(10) Establish and maintain procedures to facilitate communications between citizens and city government to assure that complaints, grievances, recommendations, and other matters receive prompt attention by the responsible official, and to assure that all such matters are expeditiously resolved;

(11) Promote the economic well-being and growth of the city through public and private sector cooperation and by serving as the lead staff role for economic development projects;

(12) Cooperate with and assist as necessary the Police and Fire Commission, Library Board, Housing Authority or similar body in those areas where these Boards and Commissions are vested with authority by the Wisconsin Statutes or the Municipal Code of Ordinances, and the Administrator shall work closely with and through these Boards and Commissions in the administration of their respective departments.

(d) **Responsibilities to the City Council.** The Administrator shall:

(1) Attend all meetings of the Council, assisting the Mayor and the Council as required in the performance of their duties;

(2) In coordination with the Mayor, the Council, and the City Clerk/Treasurer, ensure that appropriate agendas are prepared for all meetings of the Council, all Council committees, and all other appropriate committees and commissions of the city, together with such supporting material as may be required; the Administrator has no authority to limit or in any way prevent matters from being considered by the Council, or any of its committees and commissions;

(3) Keep the Mayor and Council regularly informed about the activities of the Administrator's office by oral or written report at regular or special meetings of the Council;

(4) Assist in the preparation of ordinances and resolutions as requested by the Mayor or the Council, or as needed;

(e) **Personnel.** The Administrator shall:

(1) Be responsible for the administrative direction and coordination of all employees of the city and utilities according to established organization procedures;

(2) Have direct supervision over the activities of the City Clerk/Treasurer, Director of Public Works/City Engineer, and any other applicable department heads except as noted below. In addition, the Administrator shall assist, cooperate, and work closely with the Police and Fire Commission and the Police Chief and Fire Chief, the Library Board, and the Redevelopment Authority or similar body, in the personnel administration, evaluation, and management of their respective departments.

(3) Recommend to the Council the appointment, promotion, and when necessary for the good of the city and utilities, the suspension or termination of department heads;

(4) In consultation with the appropriate department head, be responsible for the appointment, promotion, and when necessary for the good of the city and utilities, the suspension or termination of employees below the department head level consistent with the discipline policy of the City of Plymouth;

(5) Work closely with department heads to promptly resolve personnel problems or grievances and assist the finance and personnel committee with personnel issues;

(6) Serve as the Human Resources Coordinator for the city reporting to the Finance & Personnel Committee.

(7) Assist in labor contract negotiations and collective bargaining issues;

(f) **Budgeting and Purchasing.**

(1) Be responsible for the preparation of the annual city budget, in accordance with guidelines as may be provided by the Finance and

Personnel Committee and Council and in coordination with the Clerk Treasurer and department heads, and pursuant to state statutes, for review and approval by the Mayor and the Council;

(2) Administer the budget as adopted by the Council;

(3) Report regularly to the Council on the current fiscal position of the city and utilities;

(4) Serve as the purchasing agent for the city and utilities, supervising all purchasing and contracting for supplies and services, subject to the purchasing procedures established by the Council and any limitation contained in the Wisconsin State Statutes;

(g) **Cooperation.** All officials and employees of the city and utilities shall cooperate with and assist the Administrator so that the city government and utilities shall function effectively and efficiently.

(h) **Severability.** The provisions of this ordinance shall be deemed severable and it is expressly declared that the council of the City of Plymouth would have passed the other provisions of this ordinance irrespective of whether or not one or more provisions may be declared invalid; and if any provisions of this ordinance or the application thereof may be declared invalid; and if any provisions of this ordinance or the application thereof to any person or circumstances is held invalid, the remainder of the ordinance and the application of such provision to other persons or circumstances shall not be affected thereby.

## CHAPTER 4

### Boards, Commissions and Committees

2-4-1	Board of Review
2-4-2	Repealed
2-4-3	Economic Development Committee
2-4-4	Board of Appeals
2-4-5	City Plan Commission
2-4-6	Vacant
2-4-7	Parks Committee
2-4-8	Utilities Commission
2-4-9	Library Board
2-4-10	Housing Authority
2-4-11	Police and Fire Commission
2-4-12	General Provisions Regarding Meetings and Public Notice
2-4-13	Residency Required for Service on Boards or Commissions; Limitation on Terms
2-4-14	Repealed

- 2-4-15 Public Safety Committee
- 2-4-16 Room Tax Tourism Commission
- 2-4-17 Redevelopment Authority

### **SEC. 2-4-1 BOARD OF REVIEW.**

(a) **Members.** The Mayor, City Clerk/Treasurer, two (2) Aldermen and one (1) citizen shall be members of the Board of Review. One (1) Council member and one (1) citizen member shall be annually appointed by the Mayor at the organizational meeting of the new Council after its election each year, and one (1) member shall be the President of the Council. In the event of the President of the Council unable to act, another Alderman may be designated by the Mayor as an alternative. The members of the Board of Review shall receive compensation as determined by the Common Council pursuant to Wis. Stat. § 70.46. Three alternate members may be appointed by the Mayor, with the approval of the Common Council, to serve on the Board of Review in the event a standing member is removed or unable to serve for any reason.

(b) **Duties.** The duties and functions of the Board of Review shall be as prescribed in Wis. Stat. §§ 70.46 and 70.47.

(c) **Board's Duty.** The Board shall carefully examine the assessment roll and correct all apparent errors in description or computation. It shall add all omitted property but shall not raise or lower the assessment of any property except after hearing, as provided by the Statutes.

(d) **Session.** The Board of Review shall be in session for its first meeting from 1:00 p.m. until 3:00 p.m., and thereafter until adjournment, at a date established by the Mayor during the thirty (30) day period beginning on the 2nd Monday of May each year, in accordance with the provisions of Wis. Stat. § 70.47.

(e) **Repealed.**<sup>14</sup>

### **SEC. 2-4-2 REPEALED.**<sup>15 16</sup>

### **SEC. 2-4-3 REVOLVING LOAN FUND COMMITTEE.**

(a) **Composition.** The Revolving Loan Fund Committee shall consist of the Mayor, one (1) Alderman annually selected at the organizational meeting, a representative of City staff, and four (4) citizen members appointed by the Mayor subject to confirmation by the Common Council. Citizen members shall be appointed for terms of three (3) years. The Committee chairperson shall be

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<sup>14</sup> Repealed by Ordinance No. 6 of 2015. Enacted November 24, 2015.

<sup>15</sup> Repealed and Recreated by Ordinance No. 12 of 2011. Enacted June 28, 2011.

<sup>16</sup> Repealed by Ordinance 17 of 2018. Enacted September 27, 2018.

annually elected by the Committee members. The Committee shall meet regularly or upon the call of the Chairperson.

(b) **Duties and Function.** It shall be the function of the Committee to make recommendation to the Common Council regarding the program administration and implementation of the Community Development Block Grant (CDBG) Revolving Loan Fund program and the USDA Rural Development Revolving Loan Fund program.

(c) **Program Funds.** All funds of the program shall be held by the treasury of the City of Plymouth and disbursed according to the approval of the Common Counsel.

(d) **Serve Without Compensation.** No compensation shall be paid for service on the Revolving Loan Fund Committee.

e. **Cooperation.** All officials, employees, boards, and committees shall cooperate with and assist the Committee so that it shall function effectively and efficiently.

#### **SEC. 2-4-4 BOARD OF APPEALS.**

(a) **Establishment.** A Zoning Board of Appeals shall be appointed as specified in Wis. Stat. § 62.23(7)(e). The Zoning Board of Appeals shall consist of five (5) members, appointed by the Mayor, for three (3) year terms of office, subject to confirmation by the Common Council. The members shall be compensated as determined by the Council and shall be removable by the Common Council for cause upon written charges and upon public hearing. The Mayor shall designate one of the members chairman. The Clerk/Treasurer, as Commission secretary, shall keep minutes of the Board's meetings and hearings, as well as maintain the records of the Board. Vacancies shall be filled for unexpired terms of members whose terms become vacant. The Mayor shall also appoint, for staggered terms of three (3) years, two (2) alternate members of the Board. The first alternate shall act, with full power, only when a member of the Board refuses to vote because of interest of 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 (1) member of the Board so refuses or is absent. The above provisions with regard to removal and the filling of vacancies shall apply to such alternates.

(b) **Powers.** The Zoning Board of Appeals shall have the following powers:

(1) To 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 of the City's zoning ordinances.

(2) To hear and decide special exceptions to the terms of City zoning and floodplain zoning regulations upon which the Board of Appeals is required to pass.

(3) To authorize, upon appeal in specific cases, such variance from the terms of the City's zoning regulations as will not be contrary to the public interest, where owing to special conditions, a literal enforcement will result in practical difficulty or unnecessary hardship, so that the spirit of the zoning code shall be observed, public safety and welfare secured and substantial justice done; provided, however, that no such action shall have the effect of establishing in any district a use or uses not permitted in such district.

(4) To permit the erection and use of a building or premises in any location subject to appropriate conditions and safeguards in harmony with the general purposes of the zoning code, for such purposes which are reasonably necessary for public convenience and welfare.

(5) The Zoning Board of Appeals may reverse or affirm wholly or in part or may modify any order, requirement, decision or determination as in its opinion ought to be made regarding the premises. A majority vote of members of the Zoning Board of Appeals who shall be present and constitute a quorum shall be necessary to reverse any order, requirement, decision or determination appealed from or to decide in favor of the applicant on any matter on which it is required to pass, or to effect any variation in the requirements of the City's zoning ordinances. The grounds of every such determination shall be stated and recorded. No order of the Zoning Board of Appeals granting a variance shall be valid for a period longer than six (6) months from the date of such order unless a zoning permit is obtained within such period and the erection or alteration of a building is started or the use is commenced within such period.

(c) **Meetings and Rules.** All meetings of the Zoning Board of Appeals shall be held at the call of the chairman and at such other times as the Board may determine. All hearings conducted by the said Board shall be open to the public. The Zoning Board of Appeals shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examination and other official actions, all of which shall be immediately filed in the office of the City Clerk and shall be a public record. The Board shall adopt its own rules of procedure not in conflict with this Section or with applicable Wisconsin Statutes.

(d) **Offices.** The Common Council shall provide suitable meeting space for holding the Zoning Board of Appeals' hearings.

(e) **Appropriations.** The Common Council shall appropriate funds to carry out the duties of the Zoning Board of Appeals and the Board shall have the authority to expend, under regular procedures, all sums appropriated to it for the purpose and activities authorized herein.

*State Law Reference: Wis. Stat. § 62.23(7).*

## **SEC. 2-4-5 CITY PLAN COMMISSION.**

(a) **Composition.** The City Plan Commission shall consist of seven (7) members, not fewer than four (4) of which shall be citizen members who are not municipal officials, and shall include the Mayor, who shall be its presiding officer, and one alderman member. Other members shall be persons of recognized experience and qualifications.

(b) **Alderman Member.** The Alderman member of the City Plan Commission shall be annually appointed by the Mayor at the Council's organizational meeting.

(c) **Other Members.** Other members of the City Plan Commission shall be appointed at the organizational meeting by the Mayor, to hold office for a period of three (3) years. In the event of a vacancy an interim appointment may be made in the same manner.

(d) **Serve without Compensation.** No compensation shall be paid for service on the City Plan Commission. Citizen members shall take the official oath required by Wis. Stat. § 19.01, which shall be filed with the City Clerk/Treasurer.

(e) **Officers.** As soon as practicable after May 1st of each year, the Commission shall organize itself and elect a Vice-Chairman, and other officers deemed necessary. The Building Inspector shall serve as secretary.

(f) **Record.** The Plan Commission shall keep a written record of its proceedings to include all actions taken, a copy of which shall be filed with the City Clerk/Treasurer. Four (4) members shall constitute a quorum but all actions shall require the affirmative approval of a majority of all the members of the Commission.

(g) **Duties.**

(1) The Master Plan.

a. The Plan Commission may make, adopt and, as necessary, amend, extend or add to the master plan, subject to Common Council confirmation, for the physical development of the City including areas outside of its boundaries which, in the Plan

Commission's judgment, bear relation to the development of the City. The master plan, with the accompanying maps, plats and descriptive and explanatory matter, shall show the Commission's recommendations for such physical development, and may include, among other things without limitation because of enumeration, the general location, character and extent of streets, highways, freeways, street grades, roadways, walks, parking areas, public places and areas, parks, parkways, playgrounds, sites for public buildings and structures, and the general location and extent of sewers, water conduits and other public utilities whether privately or publicly owned, the acceptance, widening, narrowing, extension, relocation, removal, vacation, abandonment or change of use of any of the foregoing public ways, grounds, places, spaces, buildings, properties, utilities, routes or terminals, the general location, character and extent of community centers and neighborhood units, and a comprehensive zoning plan.

b. The Commission may adopt the master plan as a whole by a single resolution, or, as the work of making the whole master plan progresses, may from time to time by resolution adopt a part or parts thereof, any such plan to correspond generally with one or more of the functional subdivisions of the subject matter of the plan. The adoption of the plan or any part, amendment or addition, shall be by resolution carried by the affirmative votes of not less than a majority of all the members of the Plan Commission, subject to confirmation by the Common Council. The resolution shall refer expressly to the maps, descriptive matter, and other matters intended by the Commission to form the whole or any part of the plan, and the action taken shall be recorded on the adopted plan or part thereof by the identifying signature of the secretary of the Commission, and a copy of the plan or part thereof shall be certified to the Common Council. The purpose and effect of the adoption and certifying of the master plan or part thereof shall be solely to aid the Plan Commission and the Common Council in the performance of their duties.

(2) Mandatory Referrals to Commission. The Common Council or officer of the City having final authority thereon shall refer to the Plan Commission, for its consideration and report before final action is taken by the Council, public body or officer, the following matters: the location of any statue or other memorial; the location, acceptance, extension, alteration, vacation, abandonment, change of use, sale, acquisition of land for or lease of land for any street, alley or other public ways, park, playground, airport, area for parking vehicles, or other memorial or public grounds; the location, extension, abandonment or authorization for any public utility whether publicly or privately owned; all plats of lands in the

City or within the territory over which the City is given. platting jurisdiction by Wis. Stat. ch. 236; the location, character and extent or acquisition, leasing or sale of lands for public or semi-public housing, slum clearance, relief of congestion, or vacation camps for children; and the amendment or repeal of any land use ordinance. Unless such report from the Commission is made within thirty (30) days, or such longer period as may be stipulated by the Common Council, the Council or other public body or officer may take final action without it.

(3) **Miscellaneous Powers.** The Commission may make reports and recommendations relating to the plan and development of the City to public officials and agencies, public utility companies, civic, educational, professional, and other organizations and citizens. It may recommend to the Common Council programs for public improvements. All public officials shall, upon request, furnish to the Commission, within a reasonable time, such available information as it may require for its work. The Commission, its members and employees, in the performance of its functions, may enter upon any land, make examinations and surveys, and place and maintain necessary monuments and markers thereon. In general, the Commission shall have such powers as may be necessary to enable it to perform its functions and promote municipal planning in cooperation with the Common Council.

(h) **Vacancies.** Vacancies shall be filled by appointment for the remainder of the unexpired term in the same manner as appointment for the full term.

#### **SEC. 2-4-6 (Vacant)**

#### **SEC. 2-4-7 PARKS COMMITTEE.**

(a) **Members and Terms.** The Parks Committee of the City of Plymouth shall consist of seven (7) members, one (1) of which shall be an Alderman; and six (6) citizen members. Citizen members shall be appointed by the Mayor, subject to confirmation by majority of the members of the Common Council. The Alderperson's term shall be for one (1) year and shall be appointed by the Mayor at the annual organizational meeting of the Council. The citizen members of the Parks Committee shall be appointed for a term of five (5) years at the annual organizational meeting of the Council. Their terms shall begin on May 1st following appointment. If a vacancy occurs in any of the above-mentioned positions, the Mayor may appoint a successor at any time to fill the unexpired term in that position. No compensation shall be paid for serving on the Parks Committee.

(b) **Organization of the Committee.**

(1) The Parks Committee shall, at its first meeting in May of each year, elect a Committee Chair, Vice-Chair, and Committee Secretary, who shall have the following duties:

a. The Committee Chair shall call and conduct all regular and special meetings of the Committee, and shall inform the Secretary or other designee of the agenda to be posted. The City Administrator/Utilities Manager, Director of Public Works/City Engineer, Mayor, or Common Council may also refer items to the Committee for action and/or recommendation.

b. The Vice-Chair shall, in the absence of the Chair, call and conduct such regular and special meetings as necessary. In the case of a vacancy in the office of the Chair, the Vice-Chair shall become Chair until the next succeeding May.

c. The Committee Secretary shall keep the official minutes of the proceedings of the Parks Committee. All records of the Committee shall be public property of the City of Plymouth and subject to all open records laws. The Committee Secretary shall preside at meetings in absence of the Committee Chair and Vice-Chair.

(c) **General Duties of the Committee.** The Parks Committee shall have the following duties:

(1) The Parks Committee shall function in an advisory capacity to the Common Council, with responsibility for the planning, evaluation, and development of City parks facilities and recreation programming. In this capacity, it is the Committee's responsibility to develop specific recommendations regarding physical properties and equipment needs, program content, and financial recommendations for the parks system.

(2) The Parks Committee shall have the authority to establish user fees as allowed under the City of Plymouth budget guidelines and financial policies. The Parks Committee may also recommend park improvements to the City of Plymouth Capital Improvement Plan (CIP).

(3) The Parks Committee may make recommendations regarding the acceptance of gifts of money or property or the acquisition of property or privileges for park purposes to the Common Council.

(4) The Parks Committee is authorized to adopt rules and regulations for the proper use of parks and recreation facilities which shall not conflict with laws of this state or any rules or regulations enacted by the Common Council.

(5) The Parks Committee shall investigate and have recommendation authority for all names assigned to parks and facilities in the parks system as outlined in Subsection (d).

(6) The Parks Committee from time to time may review and recommend items referred to the Committee by the Mayor and Common Council, City Administrator/Utilities Manager, and Director of Public Works/City Engineer.

(7) The Parks Committee is not a park board or commission as those terms are used in Wis. Stat. ch. 27 and is not intended to have the powers or duties set forth in Wis. Stat. § 27.08.

(d) **Park Naming.** The Parks Committee shall investigate and recommend all names assigned to parks and facilities in the parks systems.

(1) Parks and/or facilities shall be named if one of the following conditions exist:

a. The park and/or facility is significant and will be regularly used by the public.

b. The park and/or facilities is likely to be regularly referred to in the public media.

c. Naming the park and/or facilities will enhance a sense of community within the city.

(2) A person or group may make a written application to name a new park and/or facility or to rename an existing park and/or facility to the Park Committee, which shall contain the following:

a. A concise description of the physical location of the park or facility;

b. The proposed name for park or facility.

c. History and detailed biography of the group or individual honored.

d. An application to name a park or facility for an individual must specifically address that person's character, reputation, standing within the community, or the level of contribution to the parks and recreation, or community as a whole. If the individual is deceased, the application shall address that person's singularly

unique and significant contribution to the community or a substantial donation to the acquisition or development of that park or facility. An application to name a park and/or facility for a deceased person shall not be considered until twelve (12) months after the date of death unless otherwise approved by the Parks Committee.

(3) The Parks Committee shall establish a subcommittee of three (3) members to review the application and:

- a. Attempt to validate the contents of the application.
- b. Research the basis or history of an existing name and determine and any deed, title, legal agreement, or regulatory restrictions or covenants regarding the name of the specific parcels or park or facility.
- c. Substantive rationale for an individual's name such as significant monetary contribution for the acquisition or development of the park and/or facility, a substantial donation of labor and/or materials, or sustained high level of voluntary public service in the area of parks and recreation.
- d. A park or facility which bears the name of a person or organization shall not be renamed for another person or organization, unless it is determined by the Parks Committee and Common Council that the original name is no longer appropriate.
- e. No park or facility shall be named to memorialize a living person. A park facility within a park may be named to memorialize a living person whose contribution or significant gift to Plymouth's park system is of an extraordinary nature.
- f. Names of facilities where public services are rendered (i.e. public swimming pools/ ball fields) shall be reflective of the services rendered at those facilities.
- g. Named after geographical characteristics of the park and/or facility with consideration being given to archeology, geology, topography, zoology, or manmade geographical characteristics.
- h. A historical person, place, culture, or event associated with the physical location.
- i. Park and/or facility named to recognize an organization for outstanding contribution and service to the community.

- j. Named after an adjacent school, street, or subdivision.
- k. Prepare a report and recommendation of the findings for the Parks Committee and Common Council.
- l. The Parks Committee shall consider the application, subcommittee report, and any other information brought forward by city staff and/or the Mayor and Common Council. A final recommendation by the Parks Committee will be forwarded to the Common Council.

(4) The Parks Committee shall establish guidelines for plaques, markers, or memorials and shall be designed to blend with and complement existing city signage. All plaques, markers, or memorials shall be approved by the Parks Committee. A written maintenance agreement for each plaque/memorial shall be developed and signed by the individual donor or organization.

#### **SEC. 2-4-8 UTILITIES COMMISSION.**

The operation of the Plymouth Utilities shall be vested in the Common Council of the City of Plymouth pursuant to the provisions of Wis. Stat. § 66.0805(6). The Plymouth Utilities shall be considered as a department of the City of Plymouth subject to all lawful orders and directives of the Mayor and Common Council.

#### **SEC. 2-4-9 LIBRARY BOARD.**

(a) **Members.** The Library Board of the City of Plymouth shall consist of seven (7) appointive members who shall be residents of the City. They shall be appointed by the Mayor with the approval of the Common Council. Each regular appointment shall be for a term of three (3) years. One (1) member of the Library Board shall be the school administrator, or his representative, to represent the school district. No compensation or expenses shall be paid to the members of the Library Board for their services.

(b) **Powers and Duties.** The duties, functions, and powers of the Library Board shall be as prescribed by Wis. Stat. ch. 43.

(c)<sup>17</sup> **Additional Members.** If the annual sum appropriated by the county to the city's public library is equal to or greater than one-sixth of the annual sum appropriated to the city's public library by the city during the preceding fiscal year, the county may appoint from among the residents of the county additional members to the library board under Wis. Stats. § 43.60(3), in the number, the

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<sup>17</sup> Created by Ordinance No. 17 of 2011. Enacted on August 30, 2011.

manner, and for the terms as set forth therein. No compensation or expenses shall be paid to the additional members of the library board for their services.

*State Law Reference: Wis. Stat. ch. 43.*

## **SEC. 2-4-10 HOUSING AUTHORITY.**

### **(a) Appointment, Qualifications, and Tenure of Commissioners.**

(1) The Mayor shall, with the confirmation of the Council, appoint five (5) persons who are citizens of the City as Commissioners of the Housing Authority. No Commissioner may be connected in any official capacity with any political party nor shall more than two (2) be officers of the City.

(2) The Commissioners who are first appointed shall be designated by the Mayor to serve for terms of one (1), two (2), three (3), four (4), and five (5) years respectively from the date of their appointment. Thereafter, the term of office shall be five (5) years. A Commissioner shall hold office until his successor has been appointed and has qualified. Vacancies shall be filled for the unexpired term in the same manner as other appointments. Three (3) Commissioners shall constitute a quorum. The Mayor shall file with the Clerk/Treasurer a certificate of the appointment or reappointment of any Commissioner and such certificate shall be conclusive evidence of the due and proper appointment of such Commissioner if such Commissioner has been duly confirmed as herein provided and has duly taken and filed the official oath before entering upon his office. A Commissioner shall receive no compensation for his services, but he shall be entitled to the necessary expenses including traveling expenses incurred in the discharge of his duties.

(b) **Selection of Officers.** When the office of the first chairman of the Authority becomes vacant, the Authority shall select a chairman from among its members. The Authority shall select from among its members a vice-chairman, and it may employ a secretary (who shall be executive director), technical experts and such other officers, agents and employees, permanent and temporary, as it may require, and shall determine their qualifications, duties, and compensation. The Authority may call upon the City Attorney or chief law officer of the City for such legal services as it may require. The Authority may delegate to one or more of its agents or employees such powers or duties as it may deem proper.

*State Law Reference: Wis. Stat. § 66.1201.*

## **SEC. 2-4-11 POLICE AND FIRE COMMISSION.**

(a) **Commissioners.** The Board of Police and Fire Commissioners shall consist of five (5) citizens who are residents of the City, three (3) of whom shall constitute a quorum. The Mayor shall annually appoint at the organizational meeting, one (1) member for a term of five (5) years. No appointment shall be made which will result in more than three (3) members of the Commission belonging to the same political party. The Commission shall keep a record of its proceedings.

(b) **Scope of Authority Specified.** The provisions of Wis. Stat. § 62.13 and all acts amendatory thereto so far as the same are applicable, are incorporated herein by reference and shall be effective in the same manner as if set forth in full herein. In accordance with Wis. Stat. § 62.13, the Board of Police and Fire Commissioners shall have the following specific powers and authority:

(1) To conduct original entrance examinations for those seeking employment in the police and fire departments at the lowest ranks and to prepare an eligible list from the applicants successful in the examinations, including establishment of requirements for eligibility for employment. The actual appointments shall be made by the Police Chief or the Fire Chief from the list certified by the Board.

(2) To conduct examinations for specialized or supervisory positions in the two (2) departments when such positions cannot be filled to advantage by promotion and to open such examinations to the general public.

(3) To approve or disapprove the appointments made by the Police Chief and Fire Chief; the Chiefs of the Police and Fire Departments shall appoint their subordinates, subject to the approval of the Board and in the manner and form as prescribed by law and the Statutes of the State of Wisconsin in such case made and provided.

(4) To appoint the Chief of each department.

(5) To conduct hearings on discharge or disciplinary actions within the Police and Fire Departments.

(6) To sue or be sued where necessary to carry out an express power or duty.

(c) **Rules of Procedure.** The Police and Fire Commission shall from time to time make such rules and regulations as it may deem necessary to perform and execute the duties and powers herein vested in such board.

(d) **Authority of Common Council.** The supervision, management, equipment, and control of the Police Department and the Fire Department of the City, subject to the powers herein vested in the Police and Fire Commission,

shall be in the Common Council and they shall fix the salaries of the Chiefs and members of the Police and Fire Departments as provided by law.

*State Law Reference: Wis. Stat. § 62.13.*

**SEC. 2-4-12 GENERAL PROVISIONS REGARDING MEETINGS AND PUBLIC NOTICE.**

(a) **Regular Meetings; Public Notice.** Every Board, Committee and Commission created by or existing under the ordinances of the City shall fix a regular date, time and place for its meeting.

(b) **Notice of Meetings.**

(1) Every meeting of any board or commission of the City of Plymouth, and/or any committee appointed or created by the Mayor or Common Council of the City of Plymouth shall be preceded by public notice and shall be held in open session at a place acceptable to the public in accordance with the provisions of Wis. Stat. ch. 19, Subchapter IV Open Meetings of Governmental Bodies, unless otherwise authorized by law.

(2) Such notice shall be given in writing to the official newspaper, and in addition thereto, shall be posted in at least one (1) location likely to give notice to the public of such meeting.

(3) A separate public notice shall be given for each meeting at a time and date reasonably proximate to the time and date of the meeting but not less than twenty-four (24) hours prior to the commencement of such meeting unless otherwise authorized by law.

(4) Such notice shall set forth the time, date, place, and subject matter of the meeting including that intended for consideration at any contemplated closed session which may be authorized by law, and may be in the following form:

*NOTICE OF MEETING*

*CITY OF PLYMOUTH, WISCONSIN*

*(commission)*

*Please take notice that a meeting of the (commission) of the City of Plymouth will be held on (date), 20\_\_, at (time) p.m., at the City Hall, in Room to consider the following:*

1. *(Agenda items set forth).*

2. *Such other matters as authorized by law.*

*Dated:*

*(Commission)* \_\_\_\_\_

*By:* \_\_\_\_\_

(c) **Notice to Members.** Every member of any board, commission, or committee of the City of Plymouth shall be notified by the secretary thereof that a meeting is to be held, and the time and place of such meeting and the subject to be considered thereat. No member shall be intentionally excluded from any meeting by a failure to give proper notice or a reasonable attempt to give proper notice to such member.

(d) **Minutes to be Kept.** Every board, commission, and committee shall keep a record of the minutes of its proceedings and shall cause a signed copy thereof to be filed by its secretary with the City Clerk/Treasurer within one (1) week of the meeting date. The City Clerk/Treasurer shall furnish a copy of all minutes filed with him to the Mayor and to each member of the Common Council. All such minutes shall be public records.

**SEC. 2-4-13 RESIDENCY REQUIRED FOR SERVICE ON BOARDS OR COMMISSIONS; LIMITATION ON TERMS.**

(a) **Residency.** No person not a resident of and not residing in the City of Plymouth shall be appointed to any board or commission. Any board or commission member who moves from the City shall immediately be removed from such board or commission.

(b) **Limitation of Terms.**

(1) It is the intent of this Section, in the interest of the public welfare and the interest of continued good municipal government, to limit the terms of persons as members of any City board or commission whether appointed by the Council or the Mayor to a total period of three (3) terms of three (3) years each or two (2) terms of five (5) years each at any one time.

(2) When a person shall have served a total continuous period of three (3) terms of three (3) years and/or two (2) terms of five (5) years each upon any City board or commission, whether elected by the Council or appointed by the Mayor, such person shall not be eligible to reappointment to such board or commission, for a period of one (1) year, unless a waiver to the herein term limits is granted by the Common Council.

*(Revised 08/10)*

(c) **Member Subject to Removal.** Any member of any board or commission who violates any provision of this Section or Section 2-4-13, or who knowingly attends a meeting held in violation hereof may be removed as a member of such board or commission after being granted a public hearing, by the appointing authority and upon concurrence of the Common Council.

#### **SEC. 2-4-14 ROOM TAX TOURISM COMMISSION.**

(a) **Establishment.** The Room Tax Tourism Commission is established pursuant to the requirements of Wis. Stat. § 66.0615.

(b) **Composition.** The members of the Room Tax Tourism Commission shall be appointed by the Mayor, subject to confirmation by the Common Council on the first Common Council meeting on or after the third Tuesday of April after each municipal election or as soon thereafter as may be possible. The Commission shall consist of five (5) members. All Commissioners shall serve for a term of one (1) year and may be reappointed. The Commission shall have the following members, appointed by the Mayor: a) two (2) residents of the City of Plymouth who hold elected office at the local municipal level; b) a representative of City staff; c) a representative of the Wisconsin Hotel and Motel Industry; and d) a representative of the Plymouth business community, for example a board member or director of the Chamber of Commerce, a member of the Plymouth Downtown Arts & Merchants, a member of the Plymouth Redevelopment Authority, or a member of the Plymouth Industrial Development Corporation.

(c) **Duties and Functions.** The Commission shall have the following duties:

(1) The Commission shall meet regularly or upon the call of the Chairperson and from among its members it shall elect a Chairperson and Vice Chairperson.

(2) The Commission shall distribute all room tax proceeds received from the City in accordance with Wis. Stat. § 66.0615 and shall prepare an annual budget based on a calendar year for a tourism promotion and tourism development program. The annual budget shall be submitted to the City Administrator/Utilities Manager and Finance & Personnel Committee on or before October 20.

(3) All room tax funds shall be held by the treasury of the City through the office of the City Clerk/Treasurer and disbursed according to the approval of the Commission.

(4) The Commission shall report any known delinquencies or inaccurate reporting regarding room tax to the City.

(d) **Serve Without Compensation.** No compensation shall be paid for service on the Room Tax Tourism Commission.

(e) **Cooperation.** All officials, employees, boards, and Committees or any entity receiving funding from the Commission shall cooperate with and assist the Commission so that it shall function effectively and efficiently.

#### **SEC. 2-4-15 PUBLIC SAFETY COMMITTEE.**

The Public Safety Committee shall consist of the Mayor as chairman, two (2) Aldermen selected by the Common Council and two (2) citizen members appointed by the Mayor with the confirmation of the Common Council. Terms of members shall be coincident with that of the Mayor. The Public Safety Committee shall meet upon the call of the chairman and shall have jurisdiction over matters of security, public safety and general community welfare. Meeting minutes shall be filed with the City Clerk.

**SEC. 2-4-16 REPEALED.** (Formerly Safety Committee)<sup>18</sup>

#### **SEC. 2-4-17<sup>19</sup> REDEVELOPMENT AUTHORITY.**

(a) **Establishment.** Pursuant to authority arising under Wis. Stat. § 66.1333 there is hereby created a redevelopment authority, which shall be known as the "Redevelopment Authority of the City of Plymouth." The Redevelopment Authority is deemed a separate body politic for the purpose of preventing and eliminating blighted areas, and carrying out blight elimination, slum clearance and urban renewal programs and projects.

(b) **Findings and Declaration of Necessity.** The Common Council finds that a need for blight elimination, slum clearance, urban renewal, and redevelopment programs and projects exists in the City of Plymouth. The necessity in the public interest for the provisions of this Ordinance is hereby declared as a matter of legislative determination of the Common Council of the City of Plymouth.

(c) **Composition.** The redevelopment authority shall consist of seven commissioners who are residents of the city. No more than two of such commissioners shall be officers of the city and one of such commissioners shall be a member of the council.

(d) **Appointment.** The members of the Redevelopment Authority shall be appointed by the Mayor, subject to confirmation by four-fifths (4/5) of the Common Council. In making appointments, the Mayor and Common Council shall give due consideration to the general interest of the appointee in a

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<sup>18</sup> Repealed in its entirety by Ordinance No. 5 of 2013. Enacted on May 14, 2013.

<sup>19</sup> Repealed in its entirety and recreated by Ordinance No. 16 of 2012. Enacted on June 26, 2012.

redevelopment, slum clearance, or urban renewal program and shall, insofar as is possible designate representatives from the general public, industry, finance, or business group and civic organizations. Appointees shall have sufficient ability and experience in related fields, especially in the fields of finance and management, to assure efficiency in the redevelopment program, its planning, and direction.

(e) **Terms.** The Common Council hereby authorizes and directs the Mayor to appoint seven (7) qualified, resident persons as commissioners of the redevelopment authority. One (1) of said commissioners shall be a member of the Common Council. The initial appointments of the commissioners shall be for the following terms: two (2) commissioners for (1) year, and two (2) commissioners for two (2) years, one (1) for three (3) years, one (1) for four (4) years and one (1) for five years, from the date of their appointment. Thereafter, the terms of the non-Common Council commissioners shall be five (5) years and until their successors are appointed and qualified. The alderperson appointed to the authority shall serve during his or her term of office on the Common Council. Vacancies will be filled for the unexpired terms as provided for in paragraph (d) above.

(f) **Powers, Duties, and Functions.** The Redevelopment Authority shall have all the powers, duties and functions of a redevelopment authority pursuant to Wis. Stat. § 66.1333, and all projects relating to, blight elimination, slum clearance, urban renewal and redevelopment initiated by the Redevelopment Authority and approved by the Common Council shall be undertaken and carried out pursuant to Wis. Stat. § 66.1333. The Redevelopment Authority shall be further guided by bylaws as approved and from time to time amended by the Common Council.

(g) **Cooperation.** All officials, employees, and boards and committees of the city shall cooperate with and assist the Redevelopment Authority so that it shall function effectively and efficiently.

(h) **Severability.** The provisions of this ordinance shall be deemed severable and it is expressly declared that the council of the City of Plymouth would have passed the other provisions of this ordinance irrespective of whether or not one or more provisions may be declared invalid; and if any provisions of this ordinance or the application thereof may be declared invalid; and if any provisions of this ordinance or the application thereof to any person or circumstances is held invalid, the remainder of the ordinance and the application of such provision to other persons or circumstances shall not be affected thereby.

## CHAPTER 5

### Ethics Code

2-5-1	Statement of Purpose
2-5-2	Definitions
2-5-3	Statutory Standards of Conduct
2-5-4	Responsibility of Public Office
2-5-5	Dedicated Service
2-5-6	Fair and Equal Treatment
2-5-7	Conflict of interest
2-5-8	Advisory Opinions
2-5-9	Hiring Relatives
2-5-10	<i>Reserved</i>
2-5-11	Sanctions
2-5-12	Police Officers and Firefighters

#### **SEC. 2-5-1 STATEMENT OF PURPOSE.**

(a) The proper operation of democratic government requires that public officials and employees be independent, impartial, and responsible to the people; that government decisions and policy be made in proper channels of the governmental structure; that public office not be used for personal gain; and that the public have confidence in the integrity of its government. In recognition of these goals, there is hereby established in this Chapter a Code of Ethics for all City of Plymouth officials and employees whether elected or appointed, paid or unpaid, including members of boards, committees, and commissions of the City as well as any individuals who are candidates for elective office as soon as such individuals file nomination papers with the City.

(b) The purpose of this Ethics Code is to establish guidelines for ethical standards of conduct for all such officials and employees by setting forth those acts or actions that are incompatible with the best interests of the City of Plymouth and by directing disclosure by such officials and employees of private financial or other interests in matters affecting the City. The Common Council believes that a Code of Ethics for the guidance of elected and appointed officials and employees will help them avoid conflicts between their personal interests and their public responsibilities, will improve standards of public service, and will promote and strengthen the faith and confidence of the citizens of this City in their elected and appointed officials and employees. The Common Council hereby reaffirms that each elected and appointed City official and employee holds his or her position as a public trust, and any intentional effort to realize substantial personal gain through official conduct is a violation of that trust. The provisions and purpose of this Ethics Code and such rules and regulations as may be established are hereby declared to be in the best interests of the City of Plymouth.

## SEC. 2-5-2 DEFINITIONS.

The following definitions shall be applicable in this Chapter:

(a) **Public official.** Means those persons serving in statutory elected or appointed offices provided for in Wis. Stat. ch. 62, and all members appointed to boards, committees, and commissions established or appointed by the Mayor and/or Common Council pursuant to this Code of Ordinances, whether paid or unpaid.

(b) **Public Employee.** Means any person excluded from the definition of a public official who is employed by the City.

(c) **Anything of Value.** Means any money or property, favor, service, payment advance, forbearance, loan, or promise of future employment but does not include compensation and expenses paid by the City, fees, and expenses which are permitted and reported under Wis. Stat. § 19.56, political contributions which are reported under Wis. Stat. ch. 11, or hospitality extended for a purpose unrelated to City business by a person.

(d) **Business.** Means any corporation, partnership, proprietorship, firm, enterprise franchise, association, organization, self-employed individual, or any other legal entity which engages in profit-making activities.

(e) **Personal Interest.** Means the following specific blood or marriage relationships:

(1) A person's spouse, mother, father, child, brother or sister; or

(2) A persons relative by blood or marriage who receives, directly or indirectly, more than one-half (1/2) support from such person or from whom such person receives, directly or indirectly, more than one-half (1/2) of his support.

(f) **Significant Interest.** Means owning or controlling, directly or indirectly, at least ten percent (10%) or Five Thousand Dollars (\$5,000.00) of the outstanding stock of at least ten percent (10%) or Five Thousand Dollars (\$5,000.00) of any business.

(g) **Financial Interest.** Any interest which shall yield, directly or indirectly, a monetary or other material benefit to the officer or employee or to any person employing or retaining the services of the officer or employee.

### **SEC. 2-5-3 STATUTORY STANDARDS OF CONDUCT.**

There are certain provisions of the Wisconsin Statutes which should, while not set forth herein, be considered an integral part of any Code of Ethics. Accordingly, the provisions of the following sections of the Wisconsin Statutes, as from time to time amended, are made a part of this Code of Ethics, and shall apply to public officials and employees whenever applicable, to-wit:

- (a) Sec. 946.10 Bribery of Public Officers and Employees
- (b) Sec. 946.11 Special Privileges from Public Officials
- (c) Sec. 946.12 Misconduct in Public Office
- (d) Sec. 946.13 Private Interest in Public Contract Prohibited

### **SEC. 2-5-4 RESPONSIBILITY OF PUBLIC OFFICE.**

Public officials and employees are agents of public purpose and hold office for the benefit of the public. They are bound to uphold the Constitution of the United States and the Constitution of this State and carry out impartially the laws of the nation, state, and municipality, to observe in their official acts the highest standards of morality and to discharge faithfully the duties of their office regardless of personal considerations, recognizing that the public interest must be their prime concern.

### **SEC. 2-5-5 DEDICATED SERVICE.**

(a) Officials and employees should adhere to the rules of work and performance established as the standard for their positions by the appropriate authority.

(b) Officials and employees should not exceed their authority or breach the law or ask others to do so and they should work in full cooperation with other public officials and employees unless prohibited from so doing by law or by officially recognized confidentiality of their work.

(c) Members of the City staff are expected to follow their appropriate professional code of ethics. Staff members shall file a copy of such professional ethics codes with the City Clerk/Treasurer. The City Clerk/Treasurer shall notify the appropriate professional ethics board of any ethics violations involving City employees covered by such professional standards.

### **SEC. 2-5-6 FAIR AND EQUAL TREATMENT.**

(a) **Use of Public Property.** No official or employee shall use or permit the unauthorized use of City-owned vehicles, equipment, materials or property for personal convenience or profit, except when such services are available to the public generally or are provided as City policy for the use of such official or

employee in the conduct of official business, as authorized by the Common Council or authorized board, commission or committee.

(b) **Obligations to Citizens.** No official or employee shall grant any special consideration, treatment, or advantage to any citizen beyond that which is available to every other citizen. No official or employee shall use or attempt to use his or her position with the City to secure any advantage, preference, or gain over and above his rightful remuneration and benefits for himself or for a member of his or her immediate family.

(c) **Political Contributions.** No official shall personally solicit from any City employee, other than an elected official, a contribution to a political campaign committee for which the person subject to this Chapter is a candidate or treasurer.

## **SEC. 2-5-7 CONFLICT OF INTEREST.**

### **(a) Financial and Personal Interest Prohibited.**

(1) No official or employee of the City, whether paid or unpaid, shall engage in any business or transaction or shall act in regard to financial or other personal interest, direct or indirect, which is incompatible with the proper discharge of official duties in the public interest contrary to the provisions of this Chapter or which would tend to impair independence of judgment or action in the performance of official duties.

(2) Any member of the Common Council who has a financial interest or personal interest in any proposed legislation before the Common Council shall disclose on the records of the Common Council the nature and extent of such interest; such official shall not participate in debate or vote for adoption or defeat of such legislation. If the matter before the Council involves a member's personal interest with persons involved, the member may participate in debate or discussion and vote on the matter following disclosure, unless an ordinance or contract is involved; if an ordinance or contract is involved, such official shall not participate in debate or discussion and vote on the matter.

(3) Any non-elected official, other than a City employee, who has a financial interest or personal interest in any proposed legislative action of the Common Council or any board, commission or committee upon which the official has any influence or input or of which the official is a member that is to make a recommendation or decision upon any item which is the subject of the proposed legislative action shall disclose on the records of the Common Council or the appropriate board, commission or committee the nature and extent of such interest. Such official shall not participate in debate or discussion or vote for adoption or defeat of such legislation.

(4) Any City employee who has a financial interest or personal interest in any proposed legislative action of the Common Council or any board, commission or committee upon which the employee has any influence or input, or of which the employee is a member, that is to make a recommendation or decision upon any item which is the subject of the proposed legislative action shall disclose on the records of the Common Council or the appropriate board, commission or committee the nature and extent of such interest.

(b) **Disclosure of Confidential Information.** No official or employee shall without proper legal authorization disclose confidential information concerning the property, government, or affairs of the City, nor shall such information be used to advance the financial or other private interests of the official or employee or others.

(c) **Gifts and Favors.**

(1) No official or employee, personally or through a member of his immediate family, may solicit or accept, either directly or indirectly, from any person or organization, money or anything of value if it could be expected to influence the employee's official actions or judgments or be considered a reward for any action or inaction on the part of the official or employee.

(2) An official or employee is not to accept hospitality if, after consideration of the surrounding circumstances, it could reasonably be concluded that such hospitality would not be extended were it not for the fact that the guest, or a member of the guest's immediate family, was a City official or employee. Participation in celebrations, grand openings, open houses, informational meetings, and similar events are excluded from this prohibition. This paragraph further shall not be construed to prevent candidates for elective office from accepting hospitality from citizens for the purpose of supporting the candidate's campaign.

(3) Gifts received by an official or employee or his immediate family under unusual circumstances shall be referred to the Common Council within ten (10) days of receipt for recommended disposition. Any person subject to this Chapter who becomes aware that he is or has been offered any gift, the acceptance of which would constitute a violation of this Subsection, shall, within ten (10) days, disclose the details surrounding said offer to the Common Council. Failure to comply with this reporting requirement shall constitute an offense under this Chapter.

(d) **Representing Private Interests Before City Agencies or Courts.**

(1) Non-elected City officials and employees shall not appear on behalf of any private person (other than him or herself, his or her spouse or minor children) before any City agency, board, commission or the Common Council if the official or employee or any board, commission or committee of which the official or employee is a member has any jurisdiction, discretion or control over the matter which is the subject of such representation.

(2) Elected City officials may appear before City agencies on behalf of constituents in the course of their duties as representatives of the electorate or in the performance of public or civic obligations. However, the disclosure requirements of Subsection (a) above shall be applicable to such appearances.

(e) **Ad Hoc Committee Exceptions.** No violation of the conflict of interest restrictions of this Section shall exist, however, where an individual serves on a special ad hoc committee charged with the narrow responsibility of addressing a specific issue or topic in which that individual, or the employer or a client of that individual, has an interest so long as the individual discloses to the Common Council that such interest exists.

(f) **Contracts with the City.** No City official or employee who, in his capacity as such officer or employee, participates in the making of a contract in which he has a private pecuniary interest, direct or indirect, or performs in regard to that contract with some function requiring the exercise of discretion on his part shall enter into any contract with the City unless, within the confines of Wis. Stat. § 946.13:

(1) The contract is awarded through a process of public notice and competitive bidding or the Common Council waives the requirement of this Section after determining that it is in the best interest of the City to do so.

(2) The provisions of this Subsection shall not apply to the designation of a public depository of public funds.

#### **SEC. 2-5-8 ADVISORY OPINIONS.**

Any questions as to the interpretation of any provisions of this Code of Ethics Chapter shall be referred to the City Attorney. Such requests shall be as detailed as possible and shall be made in writing. Advisory request's and opinions shall be kept confidential, except when disclosure is authorized by the requester, in which case the request and opinion may be made public.

#### **SEC. 2-5-9 HIRING RELATIVES.**

(a) This Section governs the proposed hiring of individuals for regular full-time or part-time work as City employees who are members of the immediate family of City employees or elected officials. Excluded from the provisions of this Section are seasonal or temporary employees. "Immediate family" includes those relatives by blood or marriage defined in Section 2-5-2(e) as personal interests.

(b) Hiring an immediate family member of any current City employee or elected City official is discouraged and will be considered only if that individual has the knowledge and skills, experience, or other job-related qualifications that warrant consideration for the position. It is required that either the current employee or the relative seeking employment will make the personal interest relationship known to the hiring authority (department head, City board or commission, or Common Council) before a decision is made. In every case, the decision to hire an immediate family member or former spouse will be subject to Common Council approval, with notice, before the new employee is permitted to begin work. Marriage between two (2) individuals already employed by the City or their relatives will not be considered a violation of this policy.

(c) This Section does not apply to non-elected officials who are asked to accept appointment as members of a City board, commission or committee; non-elected officials, however, will be expected to disqualify themselves from participation in matters under consideration which may affect hiring, retention, classification, or compensation of their immediate family if currently employed or being considered for employment by the City.

**SEC. 2-5-10 *RESERVED.***

**SEC. 2-5-11 *SANCTIONS.***

A determination that an employee's actions constitute improper conduct under the provisions of this Chapter may constitute a cause of suspension, removal from office or employment, or other disciplinary action consistent with the disciplinary policies of the City of Plymouth.

**SEC. 2-5-12 *POLICE OFFICERS AND FIREFIGHTERS.***

When an ethics complaint has been filed against a police officer or firefighter or the Chief of either the Police or Fire Department, the procedure shall be had in accordance with the provisions of Wis. Stat. § 62.13.

## CHAPTER 6

### Municipal Court<sup>20</sup>

2-6-1	Court Established
2-6-2	Jurisdiction
2-6-3	Municipal Judge
2-6-4	Municipal Court
2-6-5	Collection of Forfeiture and Costs
2-6-6	Contempt of Court
2-6-7	Stipulations and Deposits

#### **SEC. 2-6-1 COURT ESTABLISHED.**

Pursuant to the authority granted by Wis. Stat. ch. 755 there is hereby created and established a Municipal Court to be designated "Municipal Court for the City of Plymouth," said court to become operative and function on May 1, 2003.

#### **SEC. 2-6-2 JURISDICTION.**

(a) The Municipal Court shall have jurisdiction over incidents occurring on or after May 1, 2003 as provided in Article VII, §14 of the Wisconsin Constitution, Wis. Stat. §§ 755.045 and 755.05 and as otherwise provided by State Law. In addition, it shall have exclusive jurisdiction over actions in which the municipality seeks to impose forfeitures for violations of municipalities, resolutions, and bylaws.

(b) The Municipal Judge may issue civil warrants to enforce matters under the jurisdiction of the Municipal Court under Wis. Stat. § 755.045(2) and 66.0119.

(c) The Municipal Court has jurisdiction over juvenile offenders pursuant to the provisions of Wis. Stat. § 938.17(2)(cm) and may impose any and all dispositions set forth in Wis. Stat. §§ 938.343 and §938.344 together with any and all ordinances of the City of Plymouth.

#### **SEC. 2-6-3 MUNICIPAL JUDGE.**

(a) **Qualifications.** There is hereby created the office of Municipal Judge of the Municipal Court of the City of Plymouth. The Municipal Judge shall be a resident of the City of Plymouth and shall be licensed to practice law in the State of Wisconsin.

(b) **Oath.** The Judge shall, after election or appointment to fill a vacancy, take and file the official oath prescribed in Wis. Stat. § 757.02(1) and file such oath with the Sheboygan County Clerk of Circuit Court. The Judge shall not act until

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<sup>20</sup> Amended pursuant to Ordinance No. 8 of 2011. Enacted June 14, 2011.

the oath is filed as required by Wis. Stat. § 19.01(4)(c) and the requirements of Wis. Stat. § 755.03 have been complied with.

(c) **Compensation.** The Municipal Judge shall receive such compensation as shall be determined by the Common Council, which shall be in lieu of fees and costs. No compensation shall be paid to the Judge for any time during which his/her term for which he/she has not executed and filed the official oath. The compensation may be increased by the Common Council before the second or subsequent year of service of the term of the Judge, but shall not be decreased during the term.

(d) **Election/Term.** The Municipal Judge shall be elected at large for a term of four (4) years and shall take office on May 1 following the election. Any vacancy shall be filled pursuant to state law.

#### **SEC. 2-6-4 MUNICIPAL COURT.**

(a) **Hours.** The Municipal Court of the City of Plymouth shall be open as determined by order of the Municipal Judge and approved by the Common Council.

(b) **Employees.** The Judge shall in writing appoint such clerks and deputy clerks as are authorized by the Common Council. The salaries of authorized clerks and deputy clerks shall be established by the Common Council.

(c) **Location.** The Municipal Judge shall keep office and hold court in an adequate facility at the Plymouth City Hall. The Municipal Judge has statewide jurisdiction as authorized by Wis. Stat. ch. 755 and 800.

#### **SEC. 2-6-5 COLLECTION OF FORFEITURES AND COSTS.**

The Municipal Court shall collect all forfeitures, penalty assessments, fees and taxable costs in any action or proceeding and shall pay over such monies to the City Treasurer within thirty days after receipt by the Municipal Court. At such time the Municipal Court shall report to the City Treasurer the title, nature of offenses and total amount of judgments imposed in actions and proceedings in which such monies were collected.

#### **SEC. 2-6-6 MUNICIPAL COURT CONTEMPT PROCEDURE.**

(a) **Definition of "Contempt of Court."** In this section, "contempt of court" means any of the following intentional acts:

1. Misconduct in the presence of the court that interferes with the court proceeding or with the administration of justice, or that impairs the respect due the court.

2. Refusal of a witness to appear without reasonable excuse.
- (b) **Forfeiture.** The Judge may impose a forfeiture in an amount not to exceed \$200.00 for a contempt of court.
- (c) **Imprisonment.**
1. For a contempt of court described in sub. (a)(1), the Judge may impose imprisonment in the county jail for not more than 7 days and impose a forfeiture. These penalties shall be imposed immediately after the contempt of court has occurred and only under the following conditions:
    - a. For the purpose of preserving order in the court and protecting the authority and dignity of the court.
    - b. After allowing the person who committed the contempt of court an opportunity to address the court.
  2. For a contempt of court described in sub. (a)(2), the Judge may do any of the following:
    - a. Issue a warrant to bring the witness before the court for the contempt and to testify.
    - b. In addition to ordering the witness to pay a forfeiture under sub. (b), the Judge may order the witness to pay all costs of the witness's apprehension.

#### **SEC. 2-6-7 STIPULATIONS AND DEPOSITS.**

- (a) **Deposit amount and schedule.** The deposit in traffic cases shall be made as provided in Wis. Stat. § 345.26. In boating case, the deposit shall be made as provided in Wis. Stat. §§ 23.66 and 23.67. The municipal court, with the approval of the governing body of the municipality, shall set the deposit schedule for all other cases. The deposit amount in the schedule may not exceed the maximum penalty established by the municipality for the offense, plus costs, fees, and surcharges imposed under Wis. Stat. ch. 814.
- (b) **Stipulations and Deposits in Lieu of Court Appearance.** Persons cited for violations of City ordinances or violations of traffic or boating regulations for which a deposit has been established, shall be permitted to make a stipulation of no contest and a deposit in lieu of a court appearance as provided in Wis. Stat. § 800.035.

## CHAPTER 7

### Declaration of Emergencies

2-7-1	Authority
2-7-2	Chapter Cumulative
2-7-3	Notice to Council
2-7-4	Emergency Powers; Parking Restrictions During Snow Emergency
2-7-5	Time Proclamation Becomes Effective
2-7-6	Termination
2-7-7	Removal of Vehicle
2-7-8	Penalty

#### **SEC. 2-7-1 AUTHORITY.**

(a) Notwithstanding any other provision of law to the contrary, when emergency conditions exist or are likely to exist, an emergency may be declared within the city whenever conditions arise because of a heavy snowstorm, blizzard, flood, riot or other civil commotion and including conditions, without limitation because of enumeration, which impair transportation, food or fuel supplies, medical care, fire, health or police protection or other vital facilities of the city.

(b) If, because of the emergency conditions, the council is unable to meet with promptness, the mayor or president of the council shall exercise by proclamation all of the powers conferred upon the council which within the discretion of the officer appear necessary and expedient. The proclamation shall be subject to ratification, alteration, modification or repeal by the council as soon as the council can meet, but the subsequent action taken by the council shall not affect the prior validity of the proclamation.

*State Law Reference: Wis. Stat. § 166.23.*

#### **SEC. 2-7-2 CHAPTER CUMULATIVE.**

The provisions of this Chapter shall be applicable to all emergencies declared by the common council or proclamations issued by the mayor under Wis. Stat. § 166.23, in addition to any other emergency powers available to the council and city officers or employees.

#### **SEC. 2-7-3 NOTICE TO COUNCIL.**

After proclamation of an emergency or any order thereunder, the mayor or other person authorized to do so under this article shall forthwith provide for notice thereof to be given to members of the council.

**SEC. 2-7-4 EMERGENCY POWERS; PARKING RESTRICTIONS DURING SNOW EMERGENCY.**

(a) The emergency powers of the council or mayor conferred under this article include the general authority to order whatever is necessary and expedient for the health, safety, welfare and good order of the city in such emergency and shall include, without limitation because of enumeration, the power to designate any public street, thoroughfare or vehicle parking areas closed to motor vehicles and pedestrian traffic, notwithstanding any provisions of Wis. Stat. chs. 341 to 349 or other provisions of law.

(b) Whenever the powers conferred in this article are exercised because of a heavy snowstorm or blizzard, the parking of vehicles on all streets and alleys is completely prohibited during the period of a snow emergency until plowing of both sides of the street has been completed, and the emergency has been terminated.

**SEC. 2-7-5 TIME PROCLAMATION BECOMES EFFECTIVE.**

The proclamation of an emergency provided for by this article shall become effective upon its issuance and dissemination to the public by appropriate local news media.

**SEC. 2-7-6 TERMINATION.**

A proclamation or order authorized by this article may be amended or rescinded in like manner by the mayor or other authorized person during the pendency of the emergency conditions, but shall cease to be in effect after emergency conditions cease or upon the declaration by the mayor or his lawful designee that the emergency no longer exists or when superseded by action taken by the council under Wis. Stat. § 166.23(3).

**SEC. 2-7-7 REMOVAL OF VEHICLE.**

(a) Whenever any traffic officer finds a vehicle standing upon a street or alley in violation of this section, he is authorized to move, or cause to be moved, such vehicle or to require the operator in charge thereof to move such vehicle to a position where parking is not prohibited or to either private or public parking or storage premises. The removal may be performed by, or under the direction of, the traffic officer or may be contracted for by the police department.

(b) When the removal is performed by or under the direction of a traffic officer and not by a towing company contracted by the police department, the charges for removal under this section shall be the actual towing fee, plus administrative costs of \$25.00, and storage costs shall be charged at the rate of \$15.00 per day. The charges for removal and storage shall be paid to the chief of police or his

duly authorized representative, and the vehicle may be released from storage upon presentation of an authorization from the chief of police or his duly authorized representative and the execution and delivery of a properly signed receipt by the owner of the vehicle. The owner of the vehicle is entitled to an informal hearing before the chief of police or his duly authorized representative concerning the amount of accrued towing and storage charges. A notice informing the owner of the location of the vehicle, the procedure for reclaiming the vehicle and the availability of an informal hearing before the chief of police or his duly authorized representative shall be mailed to the last-known address within 24 hours after removal.

(c) When the removal is performed by a towing company contracted by the police department, the operator or owner of the vehicle removed shall pay to the contractor the charges for moving or towing and any storage as provided in the contract; notwithstanding the provisions of the contract, no operator or owner shall be required to pay any sum for moving, towing, or storage that is unreasonable under the circumstances.

(d) A person wishing his vehicle to be released must provide proper identification and a receipt showing all outstanding parking citations are paid in full, including the citation for which the towing occurred as well as any towing, storage or administration fee assessed pursuant to subsections (b) and (c) above. Whenever all such charges are paid, the vehicle shall be released to its owner. If a citation upon which removal and storage is authorized is released by the chief of police or his duly authorized representative or dismissed by the court because the citation was improperly issued, the chief of police or his duly authorized representative shall release the vehicle without payment of charges for removal and storage and shall refund any charges for removal and storage of such vehicle which shall have previously been paid.

(e) A person who has custody of a vehicle removed or stored under this section or otherwise at the request of a law enforcement officer shall release the personal property within the vehicle to the owner of the vehicle during regular office hours upon presentation by the owner of proper identification. No charge may be assessed against the owner for the removal or release of the personal property.

(f) If the owner removes the personal property from a motor vehicle under this section, the vehicle shall be deemed abandoned unless the person enters into a written agreement, acceptable to all parties, to pay the full charges for towing and storage. The owner shall be informed of this subsection by the person who has custody of the vehicle before the property is released.

(g) Any vehicle removed pursuant to this section and not released to the owner or operator within 48 hours of the notice provided for in (b) above shall be deemed an abandoned vehicle and may be disposed of as provided by Sec. 10-5-4.

**SEC. 2-7-8 PENALTY.**

(a) **Parking violations.** Penalty for parking violations under this article shall be as follows:

(1) The forfeiture for violation of the sections of this article pertaining to the parking restrictions set forth in subsection 2-7-4(b) shall be \$50.00. No court costs or witness fees shall be assessed unless the violator desires to appear at a court hearing on such violation.

(2) In addition to the penalties provided in subsection (a)(1) of this section, all vehicles parked in violation of subsection 2-7-4(b) will be subject to being removed and disposed of pursuant to section 2-7-7 above. A towing fee representing the actual cost of towing and an administration fee of \$25.00 will be assessed against each vehicle towed. A person wishing his vehicle to be released must provide proper identification and a receipt showing all outstanding parking citations are paid in full, including the snow emergency citation for which the towing occurred as well as all towing fees and administration fees assessed.

(b) **Other offenses.** Any person who shall violate any conditions or restrictions imposed pursuant to this article, other than a violation of the parking restrictions in subsection (a) of this section, may be penalized not to exceed a forfeiture of \$100.00, or, in default of payment thereof, not to exceed one month imprisonment for each separate offense.

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History: Ord. 16, 2016; Ord. 17, 2016; Ord. 2, 2017; Ord. 5, 2017; Ord. 12, 2017; Ord. 2, 2017; Ord. 5, 2017; Ord. 12, 2017; Ord. No. 6, 2018;

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