

## Chapter 76

### OFFICERS AND EMPLOYEES

**[HISTORY: Adopted by the Village Board of the Village of Hustisford 3-28-1994 as Title 2, Ch. 3 of the 1994 Code. Amendments noted where applicable.]**

#### GENERAL REFERENCES

Boards, commissions and committees — See Ch. 17.

Departments — See Ch. 40.

Code of Ethics — See Ch. 48.

Government and elections — See Ch. 57.

Records — See Ch. 87.

Village Board — See Ch. 103.

#### § 76-1. General provisions.

- A. General powers. Officers shall have generally the powers and duties prescribed for like officers of towns and villages, except as otherwise provided, and such powers and duties as are prescribed by law and, except as to the Village President, shall perform such duties as shall be required of them by the Village Board. Officers whose powers and duties are not enumerated in Ch. 61, Wis. Stats., shall have such powers and duties as are prescribed by law for like officers or as are directed by the Village Board.
- B. Rules. All officers and departments may make the necessary rules for the conduct of their duties and incidental proceedings.
- C. Applicability of ethics statutes.<sup>1</sup> The general laws for the punishment of bribery, misdemeanors and corruption in office shall apply to Village officers.
- D. Legal representation. Whenever a Village official in his official capacity proceeded against or obliged to proceed before any civil court, board or commission to defend or maintain his official position, or because of some act arising out of the performance of his official duties, and he has prevailed in such proceedings or the Village Board has ordered the proceedings discontinued, the Board may provide for payment to such official such sum as it sees fit to reimburse him for the expenses reasonably incurred for costs and attorney fees.

#### § 76-2. Appointed officials.

The Village officials hereinafter set forth shall be appointed by the Village Board, and one or more of said offices may be held by the same person. Persons appointed to perform the duties of the following offices shall hold office for an indefinite term, subject to removal as provided by § 17.13, Wis. Stats.

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1. Editor's Note: See also Ch. 48, Ethics, Code of.

- A. Clerk-Treasurer.
- B. Public Works Superintendent.
- C. Building Inspector.
- D. Chief of Police.
- E. Superintendent of the Sewer and Water Utility.
- F. Superintendent of the Electric Utility (following a recommendation from the Utility Commission).

**§ 76-3. Clerk-Treasurer.** <sup>2</sup>

- A. Consolidated offices. Pursuant to §§ 61.195, 61.197 and 66.0101, Wis. Stats., the Village of Hustisford hereby elects not to be governed by those portions of §§ 61.19, 61.23 and 61.25(2), Wis. Stats., which relate to the selection and tenure of the Clerk and Treasurer and which are in conflict with this section.
- B. Appointment. The office of Village Clerk-Treasurer shall be filled by appointment in the manner of other appointed officials as provided in § 76-2.
- C. Duties. The Village Clerk-Treasurer shall perform the statutory duties of Village Clerk and Treasurer and such other duties as required by the Village Board.

**§ 76-4. Deputy Clerk-Treasurer.** <sup>3</sup>

The Clerk-Treasurer may appoint a Deputy Clerk-Treasurer(s), subject to confirmation by a majority of all the members present of the Village Board. The Deputy Clerk-Treasurer(s) shall have an indefinite term of office. The Deputy Clerk-Treasurer(s) shall act under the Village Clerk-Treasurer's direction and during the temporary absence or disability of the Village Clerk-Treasurer or during a vacancy in such office shall perform the duties of Village Clerk-Treasurer. The acts of the Deputy shall be covered by official bond as the Village Board shall direct.

**§ 76-5. Attorney.**

- A. Appointment. The Village Attorney is an appointed position. The Village Attorney shall be appointed by the Village President, except the Village Attorney shall serve at the pleasure of the Board.
- B. Duties. The Village Attorney shall have the following duties:
  - (1) The Village Attorney shall conduct all of the legal business in which the Village is interested.
  - (2) He shall, when requested by Village officers, give written legal opinions,

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2. Editor's Note: This section was originally adopted by charter ordinance.

3. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

which shall be filed with the Village.

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

**§ 76-6. Chief of Police.** <sup>4</sup>

A. Appointment; compensation.

- (1) The Chief of Police shall be appointed by a majority vote of the members present of the Village Board for an indefinite term, subject to removal pursuant to the procedures established in § 61.65(1)(am), Wis. Stats. The Chief shall exercise the powers and duties of village marshals and village constables and any other powers and duties prescribed by the Village Board, Village ordinances or the Wisconsin Statutes. Upon a permanent vacancy, an officer designated by the Board shall temporarily replace the Chief until the vacancy is filled by the Village Board.<sup>5</sup>
- (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 employment shall be such as may be determined by the Village Board from time to time. In the event of vacation or temporary disability, the Chief of Police shall appoint an officer in charge to act in the Chief's absence, subject to Board approval.

B. General duties. See Chapter 40, Article I, Police Department, § 40-4.<sup>6</sup>

**§ 76-7. Fire Chief.** <sup>7</sup>

- A. Appointment. The Fire Chief shall assume office pursuant to the bylaws of the Fire Department for a one-year term of office, subject to confirmation by the Village Board. He shall be the Village Fire Inspector by virtue of his office; however, such duties may be delegated to a qualified person.

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4. Editor's Note: See also Ch. 40, Art. I, Police Department.

5. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

6. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

7. Editor's Note: See also Ch. 40, Art. II, Fire Department, and Ch. 176, Fire Prevention.

B. Powers and duties.

- (1) The Chief shall have general supervision of the Department, subject to this chapter and the bylaws of the Department, and shall be responsible for the personnel and general efficiency of the Department.
- (2) It shall be the duty of the Chief or ranking officer of the Department to be present at all fires, to have complete command of and entire responsibility for all fire-fighting operations, to plan the control of the same, to direct the action of the company when it arrives at a fire, to observe that the Department does its duty, to grant leaves of absence at a fire when he may deem it proper and to see that the fire apparatus is kept in proper condition at all times.
- (3) He shall enforce all fire prevention ordinances of this Village and state laws and regulations pertaining to fire prevention and shall keep citizens informed on fire prevention methods and on the activities of the Department.<sup>8</sup>

**§ 76-8. Public Works Superintendent.**

- A. Appointment. The Public Works Superintendent shall be appointed pursuant to § 76-2.
- B. Duties and powers. The Public Works Superintendent shall have the following duties and powers. He shall:
  - (1) Have general charge and supervision of public works in the Village.
  - (2) Be responsible for the maintenance, repair and construction of streets, alleys, curbs and gutters, sidewalks, bridges, street signs, storm sewers, Village buildings and structures and all machinery, equipment and property used in any activity under his control.
  - (3) Have charge of certain services, including snow and ice removal and street cleaning and flushing.
  - (4) Perform such other activities and duties as are imposed upon him from time to time by the Village Board, his job description or employment contract.

**§ 76-9. Superintendent of Sewer and Water.**

- A. Appointment. The Superintendent of Sewer and Water shall be appointed pursuant to § 76-2.
- B. Duties. The Superintendent of Sewer and Water shall have general supervision of sewer and water utility services in the Village, under the direction of the Utility Commission.<sup>9</sup>

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8. Editor's Note: Original § 2-3-8, Weed Commissioner, which immediately followed this section, was deleted at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

9. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

**§ 76-10. Superintendent of Electric Utility.**<sup>10</sup>

- A. Appointment. The Superintendent of Electric Utility shall be appointed pursuant to § 76-2.
- B. Duties. The Superintendent of Electric Utility shall have general supervision of the Village's Electric Utility under the direction of the Utility Commission.

**§ 76-11. Assessor.**

A. Appointment.<sup>11</sup>

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

(2) Hereafter, instead of being elected, the Assessor or assessing firm shall be appointed by the Village President, subject to confirmation by a majority vote of the members-elect of the Village Board. Said person so appointed to perform the duties of such office shall have an indefinite term and shall serve as determined by contract. A corporation or an independent contractor may be appointed as the Village Assessor. The corporation or independent contractor so appointed shall designate the person responsible for the assessment. The designee shall file the official oath under § 19.01, Wis. Stats., and sign the affidavit of the Assessor attached to the assessment roll under § 70.49, Wis. Stats. No person may be designated by any corporation or independent contractor unless he has been granted the appropriate certification under § 73.09, Wis. Stats. For purposes of this subsection, "independent contractor" means a person who either is under contract to furnish appraisal and assessment services or is customarily engaged in an independently established trade, business or profession in which the services are offered to the general public.

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

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10. Editor's Note: See also Ch. 165, Electric Utility.

11. Editor's Note: This subsection was originally adopted by charter ordinance.

**§ 76-12. Building Inspector; Plumbing Inspector; Heating, Ventilating and Air-Conditioning Inspector; Electrical Inspector.**

A. Appointment.

- (1) Inspectors shall be appointed pursuant to § 76-2.
- (2) Each inspector shall:
  - (a) Have proper state certification in areas of his responsibility.
  - (b) Possess such executive ability as is requisite for the performance of his duties and have a thorough knowledge of the standard materials and methods used in the installation of equipment in his area of responsibility.
  - (c) Be well versed in approved methods of construction for safety to persons and property, the statutes of the State of Wisconsin relating to work in his area of responsibility, and any orders, rules and regulations issued by authority thereof.
  - (d) Have sufficient experience in the installation of equipment to enable him to understand and apply the appropriate codes adopted by the Village of Hustisford.

B. Authority to enter premises; appeals.

- (1) In the discharge of their respective duties, each Inspector under this section or his authorized agent may enter any building, upon presentation of the proper credentials, during reasonable hours for the purpose of inspection and may require the production of any permit or license required hereunder. No person shall interfere with the Inspector or his authorized agent while in the performance of his duties, and any person so interfering shall be in violation of this section and subject to a penalty as provided by Chapter 1, § 1-3.
- (2) If consent to entry to personal or real properties which are not public buildings or to portions of public buildings which are not open to the public for inspection purposes has been denied, the Inspector shall obtain a special inspection warrant under § 66.0119, Wis. Stats.
- (3) Any person feeling himself aggrieved by any order or ruling of an Inspector may, within 30 days thereafter, appeal from such order or ruling to the Zoning Board of Appeals, as established in Chapter 325, Zoning, such an appeal to be in writing.<sup>13</sup>

C. Duties and authority. The Building Inspector shall have such duties as are

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12. Editor's Note: Added at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

13. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

prescribed in this section and Chapter 140, Building Construction, Chapter 154, Construction Site Erosion Control, Chapter 193, Housing Standards, and Chapter 245, Property Maintenance, of this Code.

- D. Stop-work orders and revocations. The Building Inspector may order construction, installation, alteration or repair work stopped when such work is being done in violation of this Code. Work so stopped shall not be resumed, except with written permission of the Inspector, provided that if the stop-work order is an oral one, it shall be followed by a written order within a reasonable period of time.

**§ 76-13. Eligibility for office.**

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

**§ 76-14. Oaths of office.**

- A. Every officer of the Village, including members of Village boards and commissions, shall, before entering upon his duties and within five days after notice of election or appointment, take the oath of office prescribed by law and file such oath in the office of the Village Clerk-Treasurer. Any person reelected or reappointed to the same office shall take and file an official oath for each term of service.<sup>14</sup>
- B. The form, filing and general procedure for the taking of oaths shall be governed by Ch. 19, Subch. I, Wis. Stats.

**§ 76-15. Vacancies.**

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

**§ 76-16. Removal from office.**

- A. Elected officials. Elected officials may be removed by the Village Board as provided in §§ 17.13 and 17.16, Wis. Stats.

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14. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

B. Appointed officials. Appointed officials may be removed as provided in §§ 17.13 and 17.16, Wis. Stats.

**§ 76-17. Custody of official property.**

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