

TITLE 2

Government and Administration

Chapter 1	General Provisions and Elections
Chapter 2	Town Meetings
Chapter 3	Town Board
Chapter 4	Town Officers and Employees
Chapter 5	Commissions and Boards
Chapter 6	Ethical Standards

CHAPTER 1

General Provisions and Elections

2-1-1	Legal Status; General Town Powers
2-1-2	Village Powers
2-1-3	Voter Registration
2-1-4	Polling Place
2-1-5	Election Poll Hours; Workers; Wards

SEC. 2-1-1 LEGAL STATUS; GENERAL TOWN POWERS.

- (a) The Town of Amberg, Marinette County, Wisconsin is a body corporate and politic, with those powers granted by law. The Town shall be designated in all actions and proceedings by its name, as the Town of Amberg.
- (b) The Town may:
 - (1) Sue and be sued.
 - (2) Acquire and hold real and personal property for public use and convey and dispose of the property.
 - (3) Enter into contracts necessary for the exercise of its corporate powers.

State Law Reference: Section 60.01, Wis. Stats.

SEC. 2-1-2 VILLAGE POWERS.

The Town Meeting having, by resolution adopted at an annual meeting, directed the Town Board to exercise all powers relating to villages and conferred on village boards by Chapter 61, Wis. Stats., the Town of Amberg shall have said powers through its Board. This is a continuing grant of powers.

State Law Reference: Sections 60.10(2)(c), 60.22(3) and Ch. 61, Wis. Stats.

SEC. 2-1-3 VOTER REGISTRATION.

- (a) Pursuant to the provisions of Sec. 6.27(2) of the Wisconsin Statutes, the Town of Amberg elects that registration shall be required for all primaries and elections in the Town of Amberg.
- (b) The Town Clerk of the Town of Amberg shall forthwith certify this action to the County Clerk and to the Secretary of State.

SEC. 2-1-4 POLLING PLACE.

The polling place serving all wards in the Town of Amberg shall be the Amberg Town Hall.

State Law Reference: Section 5.25(2), Wis. Stats.

SEC. 2-1-5 ELECTION POLL HOURS; WORKERS.

- (a) **Poll Hours.** The voting polls in the Town of Amberg, Marinette County, Wisconsin, shall be open from 9:00 a.m. to 8:00 p.m. for all elections.
- (b) **Number of Election Officials.**
 - (1) The Town Clerk shall be authorized to employ election officials (poll workers and tabulators) for each election sufficient to conduct said election effectively, the minimum number of election officials necessary at any one time for any one (1) election being three (3). It is further authorized that two (2) sets of election officials may be used at different times at any one (1) election with the total number of election officials working at one time to be an odd number.
 - (2) The Town Clerk shall have the power to limit or reduce the number of election officials. The Town Clerk shall determine in advance of each election whether the number of election officials for such election should be reduced from the number prescribed by the Wisconsin Statutes, and if such a reduction is so determined, the Town Clerk shall further redistribute duties among the remaining officials.
- (c) **Tabulators.** The Town Clerk may deem necessary from time to time to select and employ tabulators for certain elections due to the high projected voter turnout. Tabulators shall assist and be under the direction of the election officials after the close of the polls. The Town Clerk shall select and employ tabulators, if needed, for any election.
- (d) **Wards.**
 - (1) Wards have been established in the Town of Amberg for election purposes. However, there are various elections where Town electors from more than one (1) ward vote for offices that are identical to those in other wards, and the Town Board has determined that tabulating vote totals by ward requires more time by election officials and occasionally require more inspectors to work at elections. Thus, the Town Board has determined that there is no administrative advantage to having vote totals by ward when voting for common offices.
 - (2) For the reasons stated above, the Town Board has determined that wards will be combined for vote reporting purposes for those wards voting for common office(s).

State Law Reference: Section 7.30(1) and (3), Wis. Stats.

CHAPTER 2

Town Meetings

- 2-2-1 Town Meeting Definitions
- 2-2-2 Powers of Town Meeting
- 2-2-3 Annual Town Meeting
- 2-2-4 Special Town Meetings
- 2-2-5 Presiding Officer at Town Meetings
- 2-2-6 Procedure at all Town Meetings
- 2-2-7 Clerk of Town Meetings

SEC. 2-2-1 TOWN MEETING DEFINITIONS.

In this Code of Ordinances:

- (a) **"Annual Town Meeting"** means the Town meeting held under Sec. 60.11, Wis. Stats.
- (b) **"Special Town Meeting"** means a Town meeting, other than the annual Town meeting, held under Sec. 60.12, Wis. Stats.
- (c) **"Town Meeting"** means the annual Town meeting or a special Town meeting.

State Law Reference: Section 60.001, Wis. Stats.

SEC. 2-2-2 POWERS OF TOWN MEETING.

(a) **Direct Powers.** Town Meeting may:

- (1) Raise money. Raise money, including levying taxes, to pay for expenses of the Town, unless the authority has been delegated to the Town Board under Subsection (b)(1) below.
- (2) Town offices and officers.
 - a. Fix the compensation of elective Town offices under Sec. 60.32, Wis. Stats., unless the authority has been delegated to the Town Board under Subsection (b)(1) below.
 - b. Combine the offices of Town Clerk and Town Treasurer under Sec. 60.305(1), Wis. Stats.
 - c. Combine the offices of Town Assessor and Town Clerk under Sec. 60.305(2), Wis. Stats.
 - d. Establish or abolish the office of Town Constable and establish the number of constables. Abolition of the office is effective at the end of the term of the person serving in the office.
 - e. Designate the office of Town Clerk, Town Treasurer or the combined office of Clerk and Treasurer as part time under Sec. 60.305(1)(b), Wis. Stats.
- (3) Election of town officers.
 - a. Adopt a plan under Sec. 5.60(6), Wis. Stats., to elect Town Board Supervisors to numbered seats.
 - b. Provide under Sec. 8.05(3)(a), Wis. Stats., for the nomination of candidates for elective Town offices at a nonpartisan primary election.
- (4) Public Waterways. Appropriate money for the improvement and maintenance of a public waterway under Sec. 81.05, Wis. Stats.

- (5) Cemeteries. Authorize the acquisition and conveyance of cemeteries under Sec. 157.50(1) and (3), Wis. Stats.
- (6) Administrator agreements. Approve agreements to employ an Administrator for more than three (3) years under Sec. 60.37(3)(d), Wis. Stats.
- (b) **Directives or Grants of Authority to Town Board**. Except as provided under Subsection (c), directives or grants of authority to the Town Board under this Subsection may be general and continuing or may be limited as to purpose, effect or duration. Resolutions adopted by a Town Meeting directing or authorizing the Town Board to exercise one of the optional powers of this Subsection shall include language that makes the intent of those attending the Town Meeting clear. A resolution adopted under this Subsection shall specify whether the directive or grant is general and continuing or whether it is limited as to purpose, effect or duration. A resolution that is continuing remains in effect until rescinded at a subsequent Town Meeting by a number of electors equal to or greater than the number of electors who voted for the original resolution. This Subsection does not limit any authority otherwise conferred on the Town Board by law. By resolution, the Town Meeting may:
 - (1) Raise money. Authorize the Town Board to raise money, including levying taxes, to pay for expenses of the Town.
 - (2) Membership of Town Board in populous towns. If the Town has a population of 2,500 or more, direct the Town Board to increase the membership of the Board under Sec. 60.21(2), Wis. Stats.
 - (3) Exercise of village powers. Authorize the Town Board to exercise powers of a Village Board under Sec. 60.22(3), Wis. Stats. A resolution adopted under this paragraph is general and continuing.
 - (4) General obligation bonds. Authorize the Town Board to issue general obligation bonds in the manner and for the purposes provided by law.
 - (5) Purchase of land. Authorize the Town Board to purchase any land within the Town for present or anticipated Town purposes.
 - (6) Town buildings. Authorize the Town Board to purchase, lease or construct buildings for the use of the Town, to combine for this purpose the Town's funds with those of a society or corporation doing business or located in the Town and to accept contributions of money, labor or space for this purpose.
 - (7) Disposal of property. Authorize the Town Board to dispose of Town property, real or personal, other than property donated to and required to be held by the Town for a special purpose.
 - (8) Watershed protection and soil and water conservation. Authorize the Town Board to engage in watershed protection, soil conservation or water conservation activities beneficial to the Town.
 - (9) Appointed assessors. Authorize the Town Board to select Assessors by appointment under Sec. 60.307(2), Wis. Stats.
 - (10) Compensation of elective Town offices. Authorize the Town Board to fix the compensation of elective Town offices under Sec. 60.32(1)(b), Wis. Stats.
- (c) **Authorization to Town Board to Appropriate Money**. The Town Meeting may authorize the Town Board to appropriate money in the next annual budget for:
 - (1) Conservation of natural resources. The conservation of natural resources by the Town or by a bona fide nonprofit organization under Sec. 60.23(6), Wis. Stats.
 - (2) Civic functions. Civic and other functions under Sec. 60.23(3), Wis. Stats.
 - (3) Insects, weeds and animal diseases. The control of insect pests, weeds or plant or animal diseases within the Town.

- (4) Rural numbering systems. Posting signs and otherwise cooperating with the county in establishment of a rural numbering system under Sec. 59.07(65), Wis. Stats.
- (5) Cemetery improvements. The improvement of a Town cemetery under Sec. 157.50(5), Wis. Stats.

State Law Reference: Section 60.10, Wis. Stats.

SEC. 2-2-3 ANNUAL TOWN MEETING.

- (a) **Requirement.** The Town of Amberg shall hold an annual Town meeting as provided in this Section.
- (b) **When Held.**
 - (1) Except as provided in Subsection (b)(2) below, the annual Town meeting shall be held on the second (2nd) Tuesday of April.
 - (2) The annual Town meeting may set a date different than provided under Subsection (b)(a) above for the next annual Town meeting if the date is within ten (10) days after the second (2nd) Tuesday of April.
- (c) **Where Held.**
 - (1) The annual Town meeting may be held in the Town or in any village or city within or adjoining the Town of Amberg.
 - (2) The annual Town meeting shall be held at the location of the last annual Town meeting unless the location is changed by the Town Board. If the Town Board changes the location, it shall publish a Class 2 notice under Ch. 985, Wis. Stats., stating the location of the meeting, not more than twenty (20) nor less than fifteen (15) days before the date of the meeting.
- (d) **Adjournment.** The annual Town meeting may be recessed to a time and date certain if the resumed meeting is held within thirty (30) days after the date of the meeting originally scheduled under Subsection (b). Business not acted on at the annual meeting, or within the thirty (30) days allowed for adjourning and reconvening the meeting, shall be left to the next annual meeting or taken up by a special Town meeting convened under Sec. 60.12, Wis. Stats.
- (e) **Notice.** No public notice of the annual Town meeting is required if held as provided under Subsection (b)(1). If held as provided under Subsection (b)(1), notice of the time and date of the meeting shall be given under Sec. 60.12(3), Wis. Stats.
- (f) **Jurisdiction.** The annual Town meeting may transact any business over which the Town meeting has jurisdiction.
- (g) **Poll List.** The annual Town meeting may require the Clerk of the Town meeting to keep a poll list with the name and address of every elector voting at the meeting.

State Law Reference: Section 60.11, Wis. Stats.

SEC. 2-2-4 SPECIAL TOWN MEETINGS.

- (a) **Who May Convene.** A special Town meeting may be convened if:
 - (1) Called by a Town meeting.
 - (2) A written request, signed by a number of electors equal to not less than ten percent (10%) of the votes cast in the Town for Governor at the last general election is filed with the Town Clerk.
 - (3) Called by the Town Board.

- (b) **Time, Date and Purpose to be Stated.** If a special Town meeting is requested or called under Subsection (a), the time, date and purpose of the meeting shall be stated in the request or as part of the call.
- (c) **Notice.** The Town Clerk shall, not more than twenty (20) nor less than fifteen (15) days before the date of a special Town meeting, publish a Class 2 notice of the meeting under Ch. 985, Wis. Stats. The notice shall state the purpose, date, time and location of the meeting. If notice is posted instead of published, the same time and content requirements apply.
- (d) **Location.**
 - (1) A special Town meeting may be held in the Town or in any village or city within or adjoining the Town.
 - (2) A special Town meeting shall be held where the preceding annual town meeting was held, unless the location is changed by the Town Board.
- (e) **Adjournment.** A special Town meeting may be recessed to a time and date certain if the resumed meeting is held within thirty (30) days after the date of the originally scheduled meeting.
- (f) **Jurisdiction.** Any business which may be transacted at an annual Town meeting may be transacted at a special Town meeting.

State Law Reference: Section 60.12, Wis. Stats.

SEC. 2-2-5 PRESIDING OFFICER AT TOWN MEETINGS.

- (a) **Who Presides.**
 - (1) If present, the Town Board Chairperson shall chair the Town meeting, as defined in Sec. 2-1-1. If the Town Board Chairperson is absent, another Town Board Supervisor shall chair the Town meeting. If no Town Board Supervisor is present, the Town meeting shall elect the chairperson of the meeting.
 - (2) If the annual Town meeting is held in a year when the office of Town Board Chairperson is filled by election, the person holding the office on the day prior to the date of the election to fill the office shall preside at the annual Town meeting and is entitled to receive the per diem which is ordinarily paid to the presiding officer. If such person is absent or refuses to serve as the presiding officer, the presiding officer shall be chosen under Subsection (a)(1) above.
- (b) **Duties.** The Town meeting chairperson shall conduct the meeting's proceedings in accordance with accepted parliamentary procedure.
- (c) **Enforcement Authority.** The Town meeting chairperson shall maintain order and decorum and may order any person to leave a Town meeting if the person has conducted himself or herself in a disorderly manner and persisted in such conduct after being directed by the chairperson to cease the conduct. If the person refuses the chairperson's order to withdraw, the Town meeting chairperson may order a constable or other law enforcement officer to take the person into custody until the meeting is adjourned.

State Law Reference: Section 60.13, Wis. Stats.

SEC. 2-2-6 PROCEDURE AT ALL TOWN MEETINGS.

- (a) **Qualified Voters.** Any qualified elector of the Town, as defined under Ch. 6, Wis. Stats., may vote at a Town meeting.

- (b) **Definition.** A qualified elector, as defined under Ch. 6, Wis. Stats., means an individual who is a U.S. citizen, eighteen (18) years of age or older, and who has been a resident of the Town for at least ten (10) days on the date a Town meeting is held.
- (c) **Method of Action; Necessary Votes.** All actions of a Town meeting shall be by vote. All questions shall be decided by a majority of the electors voting.
- (d) **Order of Business.** At the beginning of the Town meeting, the Town meeting chairperson shall state the business to be transacted and the order in which the business will be considered. No proposal to levy a tax, except a tax for defraying necessary Town expenses, may be acted on out of the order stated by the Town meeting chairperson.
- (e) **Reconsideration of Actions.**
- (1) No reconsideration of any vote shall be had at any Town meeting unless it be taken by a majority vote within one (1) hour from the time such vote shall have been passed, or if taken later than one (1) hour, unless it be sustained by a number of votes equal to a majority of all the names entered on the poll list at such election up to the time the motion therefor shall be made. All other questions upon motions at a Town meeting shall be determined by a majority of the electors voting.
 - (2) No action of a Town meeting may be reconsidered at a subsequent Town meeting held prior to the next annual Town meeting unless a special Town meeting is convened under Sec. 60.12(1)(b) or (c), Wis. Stats., and the written request or the call for the meeting states that a purpose of the meeting is reconsideration of the action.

State Law Reference: Section 60.14, Wis. Stats.

SEC. 2-2-7 CLERK OF TOWN MEETINGS.

The Town Clerk shall serve as clerk of the Town meeting. If the Town Clerk is absent, the Deputy Town Clerk, if the Town has one, shall serve as town meeting clerk. If the Deputy Clerk is absent, the Town meeting chairperson shall appoint a clerk of the meeting. The Clerk of the Town meeting shall keep a poll list if required by the annual Town meeting under Sec. 60.11(7), Wis. Stats. The Town meeting minutes shall be signed by the Clerk of the Town meeting and filed in the Office of the Town Clerk within five (5) days after the meeting.

State Law Reference: Section 60.15, Wis. Stats.

CHAPTER 3

Town Board

- 2-3-1 Town Board; Elections to
- 2-3-2 General Powers and Duties of the Town Board
- 2-3-3 Miscellaneous Powers of the Town Board
- 2-3-4 Powers and Duties of Town Board Chairperson
- 2-3-5 Internal Powers of the Board
- 2-3-6 Meetings of the Town Board
- 2-3-7 Special Meetings of the Board
- 2-3-8 Open Meetings
- 2-3-9 Quorum
- 2-3-10 Presiding Officer; Absence of Chairperson or Clerk
- 2-3-11 Order of Business
- 2-3-12 Introduction of Business, Resolutions and Ordinances;
Disposition of Communications
- 2-3-13 Conduct of Deliberations
- 2-3-14 Procedure at Public Hearings
- 2-3-15 Motions; Voting
- 2-3-16 Reconsideration of Questions
- 2-3-17 Publication or Posting of Ordinances and Resolutions
- 2-3-18 Amendment of Rules
- 2-3-19 Suspension of Rules

SEC. 2-3-1 TOWN BOARD; ELECTIONS TO.

- (a) **Membership.** The Town Board consists of two (2) Supervisors of the Town of Amberg and the Chairperson.
- (b) **Elections.**
 - (1) There shall be elected one (1) Supervisor from the Town at large who shall be designated as the "Chairperson" and whose term shall be for a period of two (2) years.
 - (2) Biennially in odd-numbered years, at the annual spring election, there shall be elected three (3) members to the Amberg Town Board, one (1) of whom shall be designated on the ballots as Chairperson and the other two (2) elected as Supervisors, designated Supervisor 1 and Supervisor 2 respectively.

State Law Reference: Section 60.20, Wis. Stats.

SEC. 2-3-2 GENERAL POWERS AND DUTIES OF THE TOWN BOARD.

The Town Board of the Town of Amberg has the specific authority, powers and duties, pursuant to Sections 60.10, 60.20, 60.22 and 60.23, Wis. Stats., and has, with authorization of the Town meeting, additional statutory authority, powers and duties to manage and direct certain affairs of the Town of Amberg. In addition, the Town Board of the Town of Amberg has additional general and specific statutory authority, powers and duties established beyond Chapter 60, Wis. Stats., and as prescribed by this Code of Ordinances.

