

Chapter 2

**GENERAL GOVERNMENT**

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## Article I. In General

### Sec. 2-01. Mayor and alderperson plan.

The City of Marshfield shall be organized and governed under chapter 62 Wis. Stats., known as the mayor-alderperson plan. The city/common council will be referred to as "council" throughout this Code.

(Code 1982, § 1.01)

### Sec. 2-02. Elected officials.

(1) *Enumerated.* The elected officials of the city shall be as follows:

<i>Official</i>	<i>When Elected</i>	<i>Term</i>	
(a)	Mayor	Even-numbered years	Two years
(b)	Aldersperson	The first, third, fifth, seventh and ninth aldermanic districts shall elect alderpersons in the even numbered years. The second, fourth, sixth, eighth and tenth aldermanic districts shall elect alderpersons in the odd-numbered years	Two years
(c)			
(d)	Municipal judge	Odd-numbered years	Four years

(2) Continuation of term. Each official enumerated in subsection (1) of this section shall continue in office until his or her successor has been elected and qualified.

(3) *Primary Election*

- (a) When there are three or more candidates for the same elected office in the City of Marshfield, the City Clerk shall schedule a primary election to narrow the field to the two candidates who receive the most votes in the primary election.
- (b) If one or more candidates notify the City Clerk, in writing, that he or she no longer intends to be a candidate so that there remains only two candidates seeking to be elected, then a primary election does not have to be held if the notice or notices are received before the deadline for setting the primary election.

(Code 1982, § 1.02; Ord. No. 19, § 2, 5-9-2006; Ord. No. 23, § 1-4, 8-8-2006; Ord. No. 24, § 3, 4, 9-12-2006; Ord. No. 1194, § 1, 12-21-2010; Charter Ordinance 25, 10/13/14; Charter Ordinance 26, 10/13/14)

### Sec. 2-03. Appointed officials.

(1) Enumerated. The appointed officials of the city shall be as follows:

<i>Official</i>	<i>How Appointed</i>	<i>Term</i>	
(a)	City attorney	Council	Two years
(b)	City administrator	Council	Indefinite
(c)	Finance director	Council	Indefinite
(d)	Director of public works	Council	Indefinite
(e)	City engineer	Council	Indefinite
(f)	Wastewater utility superintendent	Council	Indefinite
(g)	Building services supervisor	Council	Indefinite
(h)	Electrical inspector	Council	Indefinite
(i)	Plumbing inspector	Council	Indefinite
(j)	Street superintendent/ Weed commissioner	Council	Indefinite
(k)	Technology Director	Council	Indefinite
(l)	Director of planning and economic development	Council	Indefinite
(m)	Parks and recreation director	Council	Indefinite
(n)	Police chief	Fire and police commission	Indefinite
(o)	Fire chief	Fire and police commission	Indefinite
(p)	Library director	Joint library board	Indefinite
(q)	Emergency management deputy director	Council	Indefinite
(r)	Director of community development authority	Council	Indefinite
(s)	Zoning administrator	Council	Indefinite
(t)	Cemetery Caretaker/Coordinator	Council	Indefinite
(u)	City Clerk	Council	Indefinite
(v)	City Assessor	Council	Indefinite

(Code 1982, § 1.03; Ord. No. 23, § 1-4, 8-8-2006; Ord. No. 1138, § 2, 3-24-2009; Charter Ordinance 25, 10/13/14; Charter Ordinance 26, 10/13/14)

#### **Sec. 2-04. Oaths and bonds.**

Elected and appointed statutory officers shall take and file the official oath within ten days after notice of their election or appointment as provided in § 62.09(4)(a) Wis. Stats. and shall execute and file the official bond as required by state statutes and this Municipal Code. This shall not apply to the finance director.

(Code 1982, § 1.04)

#### **Sec. 2-05. Removals.**

- (1) *Elected officials.* Elected officials may be removed by the council as provided in § 17.12(1) (a) Wis. Stats. or as provided by § 17.16 Wis. Stats.
- (2) *Appointed officials.* Appointed officials may be removed as provided in §§ 17.12(1)(c) and (4) 17.16 Wis. Stats.

(Code 1982, § 1.05)

#### **Sec. 2-06. Vacancies.**

- (1) *How occurring.* Vacancies in elective and appointive positions are caused as provided in §§ 17.03 and 17.035 Wis. Stats.
- (2) *How filled.* Vacancies in elective and appointive offices shall be filled as provided in § 17.23 Wis. Stats.
- (3) Procedure for Filling Vacancies. The following procedures shall apply to fill vacancies in elective offices except the City Clerk and the City Assessor:
  - (a) The City Clerk shall advertise the vacancy by (i) publication of a notice in the local newspaper for the City of Marshfield once a week for two (2) weeks and (ii) simultaneously posting a notice on the City's website for a continuous period of not less than fourteen (14) calendar days. The notice shall contain the qualification requirements for the elective office including, but not limited to, a statement that the applicant must be eighteen (18) years of age or older, a qualified elector of the City and any additional specific qualifications for the elected office. In addition, the notice shall set forth a date and time (deadline) for submitting applications and an address to which the applications must be sent.
  - (b) Applicants shall submit a statement or letter of interest together with a resume not later than the deadline set forth by the City Clerk in the published notice.
  - (c) The City Clerk shall notify all applicants of the date, time and location of the Common Council meeting at which all applicants shall appear before the Common Council to give an oral presentation and to answer questions. The notice shall be given not less than five (5) days before the date of the Common Council meeting.
  - (d) At the next succeeding Common Council meeting, alderpersons may ask questions of candidates for the elective position. The Common Council shall then vote by written ballot. If there are less than three (3) candidates for the elective office, the candidate with the most votes on the first ballot shall be deemed elected to the position. If there are three (3) or more candidates for the elective office on the first ballot, the Common Council shall vote on the entire group of candidates and the two candidates receiving the highest number of votes shall be considered for election to the elective office. Then, the Common Council shall vote a second time as to the two

(2) remaining candidates and the candidate securing the most votes shall be deemed elected to the elective office.

(Code 1982, § 1.06; Ord. No. 1138, § 1, 3-24-2009)

### **Sec. 2-07. Salaries**

The salaries of all elected and appointed officials, including members of boards and commissions, shall be as determined by the council from time to time, provided the salary of the mayor, members of the council and elective officers shall not be increased in excess of the salary provided at the time of their taking office.

(Code 1982, § 1.07)

### **Sec. 2-08. Display of American flag.**

- (1) The American flag shall be displayed in public view or other appropriate manner upon flag poles at city facilities. It shall be displayed at half mast out of respect upon the death of the President or Vice President of the United States, or any Congressman or United States Senator of the district of which the city is a part or upon order of the President of the United States or Governor of the State of Wisconsin.
- (2) The mayor may, at his or her discretion, order the City Flag to be flown at half mast upon the death of any other prominent citizen of the community, state or nation.
- (3) At the discretion of the mayor, upon the death of any other prominent citizen of the community, he or she may order a black ribbon or streamer be attached to the top of the flag as an acceptable alternative of demonstration of respect.
- (4) The mayor may delegate the responsibility for the display of the flag to such person as he or she deems suitable for such duties.

(Code 1982, § 1.50; Ord. No. 1148, § 1, 2-10-2009)

### **Sec. 2-09. Public records.**

The city shall comply with open records and open meeting requirements of state law.

(Code 1982, § 1.62)

### **Sec. 2-10. Staff Changes**

- (1) For the purpose of administering this Section, the following terms shall have the meaning set forth herein:
  - (a) The term "staff position" shall mean all permanent full-time and all permanent parttime positions including, but not limited to, all appointed officials set forth in Sec. 2-03 above.
- (2) In the event an alderperson desires to create or eliminate a staff position, the alderperson shall submit a written proposal to the City Administrator setting forth the specific staff position to be created or eliminated together with an explanation of the underlying reason(s) for the creation or elimination of said staff position. The proposal shall be reviewed and evaluated by the Finance, Budget, and Personnel Committee which shall submit a specific recommendation to the Common Council to approve or disapprove the proposal.

(3) Notwithstanding the foregoing, no staff position shall be eliminated if the effect of such elimination would result in a violation of Section 17.035, Stats.

(Ord. No. 1132, § 1, 7-22-2008)

**Secs. 2-11—2-35. Reserved.**

## Article II. Officials

### Sec. 2-36. Mayor and alderpersons.

- (1) *Election and term.* The election and terms of the mayor and aldermen shall be as provided in section 2-02. The mayor's and alderpersons' terms shall commence on the third Tuesday in April of the year of their election.
- (2) *Powers and duties.* Powers and duties of the mayor and alderpersons shall be as follows:
  - (a) *Mayor.* Powers and duties of the mayor shall be as provided by statutes and this Code, to include:
    1. The mayor shall be the chief executive officer. He shall see that city ordinances and state laws are observed and enforced and that all city officers and employees discharge their duties.
    2. The mayor shall, from time to time, give the council such information and recommend such measures as he may deem advantageous to the city.
  - (b) *Alderpersons.* The alderpersons together with the mayor shall constitute the council and shall have such duties and powers as are enumerated in chapter 62Wis. Stats. And elsewhere in the statutes and in chapter 3 of this Code.

(Code 1982, § 1.10)

### Sec. 2-37. City clerk.

- (1) *Term.* The term of office of the City Clerk shall commence on the date of the year appointed by the Common Council and shall continue until a successor is duly appointed and qualified.
- (2) *Powers and duties.* The clerk shall perform such duties as prescribed by statute and this Code. See chapter 3 of this Code.

(Code 1982, § 1.12; Ord. No. 24, § 3, 4, 9-12-2006; Charter Ordinance 25)

### Sec. 2-38. City assessor.

- (1) *Term.* The term of office of the City Assessor shall commence on the date of the year appointed by the Common Council and shall continue until a successor is duly appointed and qualified.
- (2) *Certification required.* No recipient of this office shall serve unless such person has been certified by the Wisconsin Department of Revenue under § 73.09 Wis. Stats.
- (3) *Powers and duties.* Powers and duties of the assessor shall be as follows:
  - (a) The assessor shall have such powers and duties as prescribed by chapter 70Wis. Stats.
  - (b) The city assessor shall perform such other duties as shall be prescribed by state law, supervisory personnel of the state department of revenue and the council, including attendance at all meetings of the board of review.
- (4) *Confidentiality of 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 such 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) 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 § 19.35(1) Wis. Stats.

(Code 1982, § 1.13; Ord. No. 23, § 1-4, 8-8-2006; Ord. No. 897, § 1, 5-9-2000; Charter Ord #26, 10/13/14)

### **Sec. 2-39. Municipal judge.**

(a) *Repealed*

(Code 1982, § 1.28; ORD 1318 10/13/15)

### **Sec. 2-40. City attorney.**

- (1) *Appointment and term.* The city attorney's term shall commence on May 1 of the year appointed.
- (2) *Powers and duties.* The city attorney's office shall defend actions brought against any officer or employee of the police department and the fire department growing out of any acts done in the course of their employment or out of any alleged breach of their duty as such officer or employee, except for:
  - (a) Actions brought to determine the rights of such officer or employee to hold or retain their office or positions; and
  - (b) Actions brought by the city against such officer or employee thereof.
- (3) *Responsibilities.* Responsibilities of the city attorney shall be as follows:
  - (a) Represent the city in lawsuits affecting the city, including both prosecution and defense;
  - (b) Draft pleadings, documents and briefs relating to litigation;
  - (c) Draft contracts, ordinances, resolutions and municipal codes;
  - (d) Consult with and advise the mayor, council, city administrator, all department heads and independent boards and commissions;
  - (e) Research and write legal opinions for the mayor, city administrator and all department heads;
  - (f) Advise the council at council meetings and at such council committee meetings as requested, act as parliamentarian at council meetings. The City Attorney shall be exempt from attending council meetings where excused by the City Administrator.; and
  - (g) Represent the city in municipal code violation cases.

(Code 1982, § 1.14, ORD1271 3/11/14)

### **Sec. 2-41. City administrator.**

- (1) *Office created.* In order to provide the City of Marshfield with a more efficient, effective and responsible government under a system of a part-time mayor and part-time council at a time when city government is becoming increasingly complex, there is hereby created the office of city administrator for the city.
- (2) *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 section or the Municipal Code of the City of Marshfield.
- (3) *Residency.* The administrator shall become a resident of the City of Marshfield within six months following the date of appointment.
- (4) *Duties.* Duties of the city administrator shall be as follows:
  - (a) The city administrator is the chief administrative officer of the city, reporting to a part-time mayor (chief executive officer) and ten-member council. The administrator presents an annual budget recommendation to the mayor and council, is responsible for the oversight of five departments (public works, information systems, parks and recreation, planning and economic development and finance) and serves as the city's personnel director. The responsibilities of the position generally include three areas: (i) oversight of certain departmental operations; (ii) personnel and human resources functions for all city departments and divisions; and (iii) staff support to the mayor and council, in terms of both policy development and administration/implementation of policy decisions.
  - (b) The city administrator will maintain a plan of administration, including an organization chart, and establish when necessary administrative procedures to increase the effectiveness and efficiency of city government and serve as a nonvoting staff member of boards, commissions and committees of the city.
  - (c) The city administrator will keep informed concerning current federal, state and county legislation and administrative rules; keep informed concerning the availability of federal, state and county funds for local programs; and promote the economic wellbeing, growth, and strategic planning of the city.
  - (d) The city administrator will represent the city in matters involving legislative and intergovernmental affairs, act as public information officer for the city and establish and maintain procedures to facilitate communications between citizens and city government.
- (5) *Responsibilities to council.* The responsibilities of the city administrator to the council shall include:
  - (a) Attend all meetings of the council, assist in the preparation of ordinances and resolutions and, in coordination with the mayor, council and city clerk, ensure that appropriate agendas are prepared for all meetings.
  - (b) Receive directives from the mayor in the event that action normally requiring council approval is necessary in emergency situations, at a time when the council cannot meet, and keep the mayor and council regularly informed about the activities of the administrator's office.
- (6) *Personnel.* In performing duties relating to personnel of the city, the city administrator shall:
  - (a) Serve as the personnel director for the city, with the personnel functions of the city administrator carried out through, and in conjunction with, the human resources specialist and as referenced in the job description on file as well as the policy and procedure manual as approved by the council.
  - (b) Work closely with department heads to ensure that employees receive adequate opportunities for training to maintain and improve their job-related knowledge and skills; approve requests by employees to attend conferences, meetings, training schools, etc., provided that funds have been budgeted for those activities.

(c) Evaluate the performance of department heads and personnel reporting directly to the administrator; review and consult with department heads concerning performance appraisals of all employees under their supervision; and recommend to the council the appointment, promotion, suspension or termination of any nonstatutory employees of the city.

(7) *Budgeting.* Be responsible for preparing the annual city budget, including posting and publishing all official notices, city budget proceedings, and capital improvement program in accordance with guidelines as may be provided by the council and in coordination with department heads, and pursuant to state statutes, for review and approval by the mayor and the council; administer the budget as adopted by the council and assist the council in policy decisions providing financial summaries regarding the administration of the annual city budget, capital improvement projects, and special projects which may affect the financial condition of the city.

(Code 1982, § 1A.01)

#### **Sec. 2-42. Finance director.**

(1) *Powers and duties.* The finance director is responsible for the administration of the accounting and financial reporting system, cash management, debt management, and risk management for the city. This position is responsible for comptroller and treasurer duties according to this Municipal Code and state statutes. Work is performed under the supervision and general administrative direction of the city administrator.

(2) *Responsibilities.* Responsibilities of the finance director shall be to provide administrative support and information service to the public, city administrator and city departments; to maintain financial information in accordance with generally accepted accounting principles; and to ensure compliance with legal and prudent fiscal requirements and all financial procedures and operations. These include the accounting and financial reporting system, payroll, budget development and administration, internal and external audits, risk management administration, the treasury function, cash management, investment administration, debt management, and all statutory responsibilities of the treasurer and comptroller.

(Code 1982, § 1.17)

#### **Sec. 2-43. Director of public works.**

(1) *Powers and duties.* The director of public works shall be responsible for the planning, administration and coordination of all activities, policies and work programs of the public works department of the city, and shall perform all related work required in connection therewith, including preparation and administration of its budget. Work is performed under the supervision and general administrative direction of the city administrator.

(2) *Responsibilities.* The director of public works shall be responsible for engineering and construction projects; street and sidewalk construction; wastewater collection and treatment; building maintenance and improvement; garbage collection and disposal; building inspections; vehicle and equipment maintenance, repair and replacement. The director shall exercise supervision over all supervisory personnel and employees of the public works department, and promulgate rules and procedures related to the enforcement of city policy and the Municipal Code, as approved by the council, and shall perform such other duties as directed by the council or as provided by this Code.

(Code 1982, § 1.15)

#### **Sec. 2-44. City engineer; power and duties.**

The city engineer shall supervise, direct and coordinate the work program and daily activities of the engineering division of the public works department under the general supervision of the director of public works. The city engineer is responsible for planning, designing, developing and directing the implementation of public works engineering programs and projects. The city engineer functions as the acting department director in the absence of the director of public works. The city engineer performs all the duties of the city engineer as required by law, ordinance or resolution and maintains related records as required by statute and local ordinance.

**Sec. 2-45. Wastewater utility superintendent; powers and duties.**

The wastewater utility superintendent manages all operations and the maintenance of the wastewater treatment utility plant and collection facility. This position is responsible for planning and directing operations to ensure regulatory agency compliance, controlling and reducing clean water in the collection system, budgetary functions, maintenance of the facilities and equipment, the biosolids management program, the manhole inspection program, laboratory operations, and controlling industrial discharges and billings. The wastewater utility is a division of the public works department, and the superintendent works under the general supervision of the director of public works.

**Sec. 2-46. Building services supervisor; powers and duties.**

The building services supervisor oversees the building services division of the public works department, and acts as city building inspector, providing building inspection services and all necessary documentation for all building in the city, ensures code compliance to provide safe and sanitary buildings, assists in zoning administration and inspection service to ensure zoning code compliance and proper land use within the city, provides building maintenance and custodial supervision for various city-owned buildings and ensures cleanliness and proper maintenance. The building services supervisor shall have the right during reasonable hours, for the purpose of inspection, to enter any public or private building, structure, premises or subway in the discharge of his official duties.

(Code 1982, § 1.19)

**Sec. 2-47. Electrical inspector; powers and duties.**

The electrical inspector shall have, except as otherwise provided in this Code, the general management and control of all matters pertaining to electrical inspection, and shall enforce all state laws, city ordinances and lawful orders relating to the safeguarding of life and property. The electrical inspector shall have the right, during reasonable hours, to enter any public or private building, structure, premises or subway in the discharge of his official duties.

(Code 1982, § 1.21)

**Sec. 2-48. Plumbing inspector; powers and duties.**

The plumbing inspector shall have, except as otherwise provided in this Code, the general management and control of all matters pertaining to plumbing inspection, and shall enforce all state laws, city ordinances and lawful orders relating to the safeguarding of life and property. The plumbing inspector shall have the right, during reasonable hours for the purpose of inspection, to enter any public or private building, structure, premises or subway in the discharge of his official duties.

(Code 1982, § 1.20)

**Sec. 2-49. Street superintendent/weed commissioner; powers and duties.**

The street superintendent directs the operation of the street division of the public works department. These operations include storm sewer, street and sidewalk construction and maintenance, environmental control and other construction

projects; departmental and city policies; and snow removal procedures. The street superintendent also serves as the recycling coordinator and is responsible for directing the city recycling programs as well as all facets of refuse pickup and disposal. The street superintendent is also responsible for the forestry program and weed control as city weed commissioner pursuant to § 66.0517(2) Wis. Stats. and shall be deemed to be annually appointed as provided by such statute. Work is performed under the supervision and general administrative direction of the director of public works.

(Code 1982, § 1.16)

### **Sec. 2-50. Information systems director; powers and duties.**

The information systems director is responsible for development, maintenance, technical support, and documentation of the city's information systems, including both microcomputer and mainframe applications. The director has overall responsibility for planning, developing, and implementing computer programs and applications; recommending computer hardware and software for procurement; providing technical and training support to users; recommending computer solutions consistent with overall city policies and direction; and administering systems security procedures for all city computer systems. The position is both managerial and technical— requiring attentiveness to long range planning, establishment of standards, and development of cost effective solutions; but also technical in the sharing of day-to-day direct support (i.e., hardware/software maintenance) with other staff. Work is performed under the supervision and general administrative direction of the city administrator.

### **Sec. 2-51. Director of planning and economic development.**

- (1) *Powers and duties generally.* The director of planning and economic development is primarily responsible for the progressive development of the commercial, industrial, residential areas of the city, thereby ensuring the planned, orderly development of the city.
- (2) *Responsibilities.* The director of planning and economic development is responsible for the formulation, supervision and administration of the community planning program. The director of planning and economic development will initiate, develop, direct and supervise the implementation of all matters related to planning as defined in the comprehensive plan, state regulations and local codes and ordinances. This responsibility includes comprehensive planning processes, including short-range and long-range advance planning, land use regulations, annexations and transportation system plans. The director is also responsible for ensuring that short-range and long-range plans are supported through the city's capital improvement program.
- (3) *Coordination of development.* The planning and economic development office shall work closely with the local business community, the local utilities, MACCI, Main Street Marshfield, the business improvement district, CDA and MEDA in a continued effort to attract new business and development to the city.
- (4) *Supervisor.* The director of planning and development is under the supervision and general administrative direction of the city administrator. Reports of planning recommendations and findings are made to the plan commission, zoning board of appeals, mayor and council for actions leading to implementation. The employee serves as staff to the plan commission and zoning board of appeals.

### **Sec. 2-52. Parks and recreation director; powers and duties.**

The parks and recreation director is responsible for the overall planning, development and maintenance of the zoo and park system, and the planning, development and implementation of a program of recreation activities. Such planning and programming is to be developed in accordance with the policies established by the parks, recreation and forestry committee, and approved by the council. Work shall be performed under the supervision and general administrative direction of the city administrator.

(Code 1982, § 1.22)

**Sec. 2-53. Police chief.**

- (1) *Appointment and term.* The appointment and term of the police chief shall be as provided in section 5-01(3) of this Code.
- (2) *Powers and duties.* Powers and duties of the police chief shall be as provided in section 5-02 of this Code.

(Code 1982, § 1.26)

**Sec. 2-54. Fire chief.**

- (1) *Appointment and term.* The appointment and term of the fire chief shall be as provided in section 6-04(2) of this Code.
- (2) *Powers and duties.* Powers and duties of the fire chief shall be as provided in section 6-51 of this Code.

(Code 1982, § 1.27)

**Sec. 2-55. Library director; powers and duties.**

Powers and duties of the library director shall be as established by the board of trustees of the Marshfield Public Library.

**Sec. 2-56. Emergency management deputy director.**

The office of emergency management deputy director shall be as provided in section 7-03 of this Code.

(Code 1982, § 1.18)

**Sec. 2-57. Directory of community development authority; powers and duties.**

The director of community development authority administers the community development block grant program and the state housing conservation and rehabilitation program. The work involves planning for comprehensive community development and housing needs, operating the programs in compliance with federal and state regulations and guidelines and authorizing payments in accordance with program eligibility requirements. The director implements a housing assistance plan and prepares grant applications to meet local development needs. The director receives general supervision from the city administrator.

(Code 1982, § 1.24)

**Sec. 2-58. Zoning administrator.**

The zoning administrator shall be responsible for the administration and enforcement of the city zoning code, chapter 18 of this Code, and chapter 20, which pertains to shorelands and wetlands, as provided more specifically at sections 18-31 and 20-31 of this Code. The zoning administrator receives general supervision from the director of planning and economic development.

**Sec. 2-59. Cemetery sexton; powers and duties.**

The cemetery sexton shall be responsible for the orderly and lawful operation of the city cemetery, to include completing interments; cleaning and maintaining grounds, buildings and equipment; assisting individuals and families by directing them to locations of previous burials, allocation of future burial sites; and enforcement of the rules of the cemetery concerning flowers, shrubs and monuments. The cemetery sexton shall prepare an annual budget and capital improvement program (CIP) project request. The cemetery sexton will exercise supervision over cemetery laborers. Oversight and evaluation of the cemetery sexton's work shall be the responsibility of the board of public works of the council, and the city administrator.

(Ord 1246, 03/26/13)

**Secs. 2-60—2-85. Reserved.**

### **Article III. Boards and Commissions**

#### **Sec. 2-86. Terms of office.**

The term of office for all boards and commissions shall be staggered terms of three years, and shall commence on May 1, except as otherwise stated in this article.

(Code 1982, § 1.50)

#### **Sec. 2-87. Vacancies.**

All vacancies in boards and commissions shall be filled for the unexpired term in the same manner as appointment for the full term.

(Code 1982, § 1.51)

#### **Sec. 2-88. Appointments.**

All board and committee appointments by the mayor) shall be subject to confirmation by the council at the next regular meeting of the council after such appointments have been announced by the mayor, but such appointments may, at the discretion of the council, be confirmed immediately following appointment.

(Code 1982, § 1.52, Ord 1243, 03/12/13)

#### **Sec. 2-89. Quorum.**

A majority of the membership of each board or commission shall constitute a quorum for the conduct of business. A majority of the quorum shall be necessary for passage of motions unless otherwise stated in this article.

(Code 1982, § 1.53)

#### **Sec. 2-90. Time of meetings.**

All boards and commissions shall meet monthly unless otherwise stated in this article.

(Code 1982, § 1.54)

#### **Sec. 2-91. Records and report to council.**

Each board or commission shall keep a written record of its proceedings and present a written report to the council.

(Code 1982, § 1.55)

#### **Sec. 2-92. Council approval.**

Any action taken by a board or commission which requires council approval shall be approved by separate motion or resolution and not by receiving and filing the board or commission minutes.

### **Sec. 2-93. Board of review.**

- (1) *Composition and terms.* The board of review of the city shall consist of five city residents, none of whom shall occupy any public office or be publicly employed. Two similarly qualified alternate members may also be appointed. Such members shall be appointed by the mayor, subject to confirmation by the council, and shall hold office for five years and until their successors are appointed and qualified.
- (2) *Duties.* The duties of the board of review shall be as prescribed by law. See § 70.47 Wis. Stats. Board members shall participate in training sessions as necessary to obtain the education required for certification as recommended by the Wisconsin Department of Revenue.

(Code 1982, § 1.32)

### **Sec. 2-94. Board of building code appeals.**

The board of building code appeals shall be the board appointed as the zoning board of appeals created and established by section 18-156 of this Code.

(Code 1982, § 1.34)

### **Sec. 2-95. Fire and police commission.**

- (1) *Duties and powers.* The city fire and police departments shall be governed in accordance with § 62.13 Wis. Stats., except that pension funds shall be in accordance with the Wisconsin Retirement Act. By virtue of a referendum duly held in the city, the fire and police commission has the optional powers designated in § 62.13(6) Wis. Stats.
- (2) *Composition.* The fire and police commission shall be composed of five members appointed by the mayor and confirmed by the council for staggered five-year terms commencing on May 1.

(Code 1982, § 1.35)

### **Sec. 2-96. Board of trustees of the Marshfield Public Library.**

- (1) *Composition.* The members of the board of trustees of the Marshfield Public Library from the City of Marshfield shall be appointed, shall serve and shall have the duties and responsibilities as set forth in the agreement between the City of Marshfield and the Town of McMillan.
- (2) *Membership.* The city appointments to the board of trustees of the Marshfield Public Library shall be composed of ten members as follows:
  - (a) One member shall be a member of the Marshfield City Council, who shall be appointed for a term not exceeding his term of office on the council.
  - (b) One member shall be a school district administrator of the school district of Marshfield or his representative, as provided by § 43.54(1)(c) Wis. Stats.
  - (c) One member shall be an administrative official of the Marshfield parochial school system in the city.
  - (d) The remaining seven members shall be citizens at large, appointed proportionately based on the relative populations of participating municipalities, pursuant to the joint library agreements of the municipalities.

- (3) *Term of office.* Members shall serve a staggered three-year term commencing July 1, except terms of appointed members may be set by the appointing authority.
- (4) *Public library established.* There is hereby established, in and for the city, pursuant to those provisions of chapter 43 Wis. Stats., a public library, as may be applicable to municipal library operations.

(Code 1982, § 1.36)

### **Sec. 2-97. Zoning board of appeals.**

The zoning board of appeals shall be as provided in section 18-156 of this Code.

(Code 1982, § 1.37)

### **Sec. 2-98. Utility commission.**

The utility commission shall be as provided in section 14-36 of this Code.

(Code 1982, § 1.40)

### **Sec. 2-99. Plan commission.**

- (1) *Powers and duties.* The city plan commission shall have power and authority to employ experts and a staff, not exceeding, in all, the appropriation that may be made for such commission by the council, or placed at its disposal through gifts, and subject to any ordinance or resolution enacted by the council. The plan commission shall have the powers and duties prescribed in § 62.23 Wis. Stats. and such other powers and duties as shall be vested in it from time to time by the council.
- (2) *Composition.* The city plan commission is established pursuant to § 62.23(1) Wis. Stats. and shall consist of seven members. All members of the commission shall be appointed by the mayor, who shall also choose the presiding officer. The mayor may appoint himself or herself to the commission and may appoint other city elected or appointed officials, except that the commission shall always have at least five citizen members who are not city officials. Citizen members shall be persons of recognized experience and qualifications. The director of public works, or his designee, shall act as a nonvoting secretary. The members of the commission shall be appointed to hold office for a period of three years. Appointments shall be made by the mayor during the month of April for terms that expire in April or at any other time if a vacancy occurs during the middle of a term. Citizen members shall take the official oath required by § 19.01 Wis. Stats. which shall be filed with the city clerk.
- (3) *Organization.* At the May meeting the plan commission shall organize by the election of a vice-chairman, secretary and such other officers as may in its judgment be necessary.
- (4) *Quorum and approval.* Four members shall constitute a quorum but all actions shall require the affirmative approval of a majority of all of the members of the plan commission.
- (5) The council, or other public body 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, those matters required by § 62.25(5) Wis. Stats.

(Code 1982, § 1.39; ORD 1274, 4/22/14; ORD 1353, 7/11/2017)

**Sec. 2-100. Board of electrical examiners.**

Repealed.

(Code 1982, § 1.41; ORD 1274, 4/22/14)

**Sec. 2-101. Industrial park authority.**

Repealed.

(Code 1982, § 1.42; ORD 1274, 4/22/14)

**Sec. 2-102. University of Wisconsin/Wood County Commission.**

The members of the University of Wisconsin/Wood County Commission from the City of Marshfield shall be appointed, shall serve and shall have the duties and responsibilities as set forth in Resolution No. 643 of the council of the City of Marshfield, adopted and approved on August 14, 1962.

(Code 1982, § 1.43)

**Sec. 2-103. Community development authority.**

- (1) *Need.* A need for blight elimination, slum clearance, urban renewal and community development programs and projects and housing projects exists in the City of Marshfield.
- (2) *Creation.* Pursuant to § 66.1335 Wis. Stats., there is hereby created and established for the City of Marshfield a housing and community development authority which shall be known as the community development authority of the City of Marshfield, Wisconsin. Such authority shall have for its purposes the carrying out of blight elimination, slum clearance, urban renewal programs and projects and housing projects. Until further or other action of the council, however, the authority shall not be authorized to develop the general plan of the city or perform acts which are to be performed by the plan commission under §§ 66.1301—66.1327, 66.1331, 66.1333, 66.1337 and 66.1105 Wis. Stats. or a joint review board under § 66.1105 Wis. Stats.
- (3) *Members.* The mayor shall, subject to confirmation by the council, appoint seven resident persons having sufficient ability and experience in the field of urban renewal, community development and housing, as commissioners of the community development authority, as follows:
  - (a) Two of the commissioners shall be members of the council and shall serve during their term of office as council members.
  - (b) The terms of the five non council members shall be staggered four-year terms and until their successors are appointed and qualified.
  - (c) Vacancies shall be filled for the unexpired term as provided in this subsection.
  - (d) Commissioners shall be reimbursed for their actual and necessary expenses, including local travel expenses, incurred in the discharge of their duties, and may receive such other compensation as may be determined, from time to time, by the council.
  - (e) The community development authority shall have all powers, duties and functions set out in §§ 66.1201 and 66.1333(1) and (2) Wis. Stats. for housing and redevelopment authorities, and as to all housing projects initiated by the community development authority, it shall proceed under § 66.1201 Wis. Stats. and as to all projects

relating to blight elimination, slum clearance, urban renewal and redevelopment programs, it shall proceed under §§ 66.1301—66.1327(3), 66.1331, 66.1333, 66.1337, or 66.1105 Wis. Stats. as determined appropriate by the council on a project-by-project basis. (f) As to all community development programs and activities undertaken by the city under the Federal Housing and Community Development Act of 1974, the community development authority shall proceed under all applicable laws and other ordinances of the City of Marshfield not inconsistent with the laws of this state.

(Code 1982, § 1.44)

#### **Sec. 2-104. Convention and visitors bureau.**

The Common Council shall contract with a tourism entity or another organization to perform the function of a tourism entity if no tourism entity exists within the City pursuant to § 66.0615 Wis. Stats.

(Ord. No. 1015, § 1, 3-23-2004; Ord. No. 1153, § 1, 6-23-2009; ORD 1308 9-27-16)

#### **Sec. 2-105. Board of Marshfield Fairgrounds Commission.**

- (1) Pursuant to City of Marshfield Resolution No. 83-41, and agreement pursuant to that resolution, the board of Marshfield Fairgrounds Commission shall have full, complete and exclusive jurisdiction of the city-owned fairgrounds, including improvements and maintenance of the facilities and buildings, and the use thereof.
- (2) Three alderpersons of the city shall be appointed to the board of fairgrounds commissioners annually at the first regular meeting of the council, to act as commissioners for a one-year term.
- (3) All business of the board of Marshfield Fairgrounds Commission shall be conducted pursuant to Resolution No. 83-41, as amended by Resolution No. 93-57, which resolutions are incorporated in this section by reference, subject to agreements pursuant to such resolutions and further joint resolutions of the council and the Wood County Board of Supervisors.

#### **Sec. 2-106. Business improvement district board.**

- (1) The Common Council of the City of Marshfield created a business improvement district on November 27, 1990 and authorized the levy of assessments on properties located within the district for the purpose of funding Marshfield's Main Street Program costs.
- (2) The business improvement district shall be managed by a board of directors. Responsibilities of the board shall include the implementation of the operating plans and preparation of annual reports. The board shall also consider, on an annual basis, changes to the operating plan for consideration of the common council.
- (3) The board of directors shall consist of seven members appointed by the mayor and confirmed by the common council at the annual organizational meeting. A majority of the members of the board shall either own or occupy commercial or service-oriented real estate in the district and one member shall be a member of the common council. Citizen members of the board shall serve staggered three-year terms and the common council member shall be appointed annually at the organizational meeting. The board shall conduct its affairs consistent with the requirements of the Wisconsin Open Meetings and Open Records Statutes.

#### **Sec. 2-314 Joint Municipal Court**

- (1) **AUTHORITY.** The City of Marshfield (City), and the Village of Spencer (Village), Marathon and Wood County, Wisconsin, acting pursuant to Sec. 61.34(1), Wis. Stats., are hereby authorized to and do establish a joint Municipal Court, as described in 2-414(4), below.
- (2) **PURPOSE.** The purpose of this chapter shall be to promote the general health, safety, and welfare and to maintain required local uniformity of the enforcement of the participating City and Village.
- (3) **SCOPE.** The scope of this ordinance includes enforcement of all ordinances adopted by the participating City and Village which ordinances are in effect as of the effective date of this chapter, together with all such ordinances adopted hereinafter and during the existence of the described Municipal Court.
- (4) **JOINT MUNICIPAL COURT.** Pursuant to the authority granted by Chapter 755 Wis. Stats., there is hereby created and established a Municipal Court for the joint exercise of the power granted to the City of Marshfield and Village of Spencer under Sec. 755.01(1), Wis. Stats., to be designated as the "Marshfield Area Municipal Court" said court to become operative upon the date of the enactment of identical ordinances and ratification of an operating agreement by each affected municipality. For purposes of this requirement, the term "identical ordinances" shall refer to ordinances which contain the same, exact substantive terms and conditions; nonetheless, it shall not be required that each municipality number or otherwise include this ordinance within its respective code of ordinances using the same, exact nomenclature.
- (5) **MUNICIPAL JUDGE.**
  - a. **Office Created** – Pursuant to Section 755.01, Wis. Stats., there is created the office of municipal judge for the City and Village. The Municipal Judge shall be a resident of the City of Marshfield or Village of Spencer.
  - b. **Oath and Bond**- The Judge shall, after election or appointment to fill a vacancy, take the official oath as prescribed in Sec. 757.02(1), Wis. Stats., and file such oath with the City Clerk for the City of Marshfield. At the same time, the Judge shall execute and file an indemnity bond with the City Clerk for the City of Marshfield in an amount of \$5,000. The Judge shall not act until the oath and bond have been filed as required by Sec. 19.01(4)(c) Wis. Stats. and the requirements of Sec. 755.03(2) have been complied with.
  - c. **Salary**- The salary of the Municipal Judge shall be set by resolution of the City Council of the City of Marshfield and shall be in lieu of fees and costs. No salary shall be paid for any time during the term during which such Judge has not executed the official bond or official oath. The salary may be increased by resolution of the Marshfield City Council before the start of 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 at the spring election in odd numbered years for a term of four (4) years commencing on May 1 next succeeding his or her election.
  - e. **Jurisdiction** – The Municipal Court Judge shall have jurisdiction as provided by law and W.S.A. s.755.045 and exclusive jurisdiction of violations of City of Marshfield and Village of Spencer ordinances, resolutions, and bylaws.
- (6) **MUNICIPAL COURT.**
  - a. **Hours**- The Municipal Court shall be open on the days and hours established by the Municipal Court Judge subject to the approval of City Council and Village Board.
  - b. **Employees** – The Municipal Judge shall appoint, in writing, such clerks and deputy clerks as are authorized by the City Council and Village Board. The compensation of any employees of the court shall be set by the City Council. The City Council shall also determine the fringe benefits to be provided and the hours of service.
  - c. **Location**- The Municipal Judge shall keep his office and hold court sessions in the Marshfield City Hall or at a location as determined by the City of Marshfield Common Council.

(7) COLLECTION OF FORFEITURES AND COSTS. The Municipal Judge shall collect all forfeitures, taxable costs, and assessments in any action or proceeding, shall pay over such moneys to the City of Marshfield Finance Director within seven (7) days of receipt. At such time, the Municipal Court shall report to the City of Marshfield Finance Director the title, nature of offenses, and amount of judgments imposed in actions and proceedings in which such monies were collected in accordance with Wis. Stats. Sec. 800.10(2). Should the Judge at any time fail to so report and deposit, his or her salary shall be suspended until such reports and deposits are made current.

(8) CONTEMPT OF COURT.

- a. The Municipal Judge may punish for contempt of Municipal Court persons guilty of any of the following acts. "Contempt of Court" means intentional:
  - i. Misconduct in the presence of the Court, which interferes with the Court proceeding or with the administration of justice or which impairs the respect due the court.
  - ii. Disobedience, resistance, or obstruction of the authority, process, or order of the Court (including refusal to pay a court-imposed forfeiture).
  - iii. Refusal as a witness to appear, be sworn, or answer a question.
  - iv. Refusal to produce a record, document, or other object.
  - v. The act of unlawfully detaining within Marathon and Wood County any witness or party to an action while going to, remaining at or returning from Court where such action has been set for hearing or trial and any other unlawful interference with the process or proceedings in any action within the County of Marathon and Wood.
- b. Contempt committed in the immediate view or presence of the Municipal Judge, and after the party so charged being heard in his defense, may be punished summarily. In other cases, the party shall be notified of the accusation and have a reasonable time to make his defense.
- c. The Municipal Judge may, upon finding any person guilty of contempt of court, order such person to forfeit not more than \$50. In default of payment of the forfeiture and the penalty assessment imposed by state statute, the person found guilty of contempt may be imprisoned in the county jail not to exceed seven days.

(9) STIPULATIONS AND DEPOSITS.

- a. Deposits for Ordinance Violations. The Municipal Judge shall establish and submit to the City Council and Village Board for approval in accordance with Sec. 800.03(3), Wis. Stats., a schedule of deposits for violations of City and Village ordinances.
- b. Deposits for Traffic and Boating violations. The deposit schedule established by the Wisconsin Judicial Conference and the procedures set forth in Chapters 23 and 345, Wis. Stats., shall apply to stipulation and deposits for violations of traffic regulations enacted in accordance with Sec. 345.27 and boating regulations enacted in accordance with Sec. 30.77 Wis. Stats.
- c. Stipulations and Deposits in Lieu of Court Appearances. Persons cited for violations of City and Village 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 court appearance as provided in Sec. 800.03, Sec. 800.04, and Sec. 800.09 Wis. Stats.

(10) ALTERNATIVE JUVENILE DISPOSITIONS AND SANCTIONS

- a. The Municipal Court shall have the authority to impose alternative dispositions and sanctions in Municipal Court.
- b. For a juvenile adjudged to have violated a municipal ordinance, the Court is authorized to impose any of the dispositions listed in W.S.A. ss. 938.343 or 938.344, in accordance with the provisions of those statutes.

- c. For a juvenile adjudged to have violated a municipal ordinance who violates a condition of a dispositional order of the Court under W.S.A. s938.343 or 938.344, the Municipal Court is authorized to impose any of the sanctions listed in W.S.A. s 938.355(6)(d), in accordance with the provisions of those statutes.
- d. The Municipal Court, in imposing a disposition under this section, shall order the juvenile to pay, in addition to any forfeiture, the costs of any counseling, safety program or alcohol or drug abuse assessment, including treatment, costs of electronic monitoring detention and placement in any detention facility.
- e. This section is enacted under the authority of W.S.A. s 938.17(2)(cm).

(11) MUNICIPAL COURT ABOLISHMENT.

- a. In general, the Marshfield Area Municipal Court may be abolished at the end of any term for which the Judge has been elected, upon action taken by the Marshfield City Council or Spencer Village Board to either repeal this ordinance and transmittal of a certified copy of an ordinance abolishing the Marshfield Area Municipal Court to the appropriate filing officer under s. 11.02(3e), Wis. Stats. To abolish the court it is not required that the City and Village take similar action. The act of one of the governing boards to repeal its ordinance in accord with the terms thereof shall be sufficient. In the event the City of Marshfield City Council or Spencer Village Board deem it to be in their best interests to abolish the Joint Municipal Court created under this ordinance, they shall take such action no less than 60 days prior to the date on which the first nomination papers must be filed for the Municipal Judge's next term.
- b. Delivery of Books and Records by Judge. In accordance with s. 755.12, Wis. Stats., within ten (10) days after the effective date of the abolition of the Marshfield Area Municipal Court, the Judge shall separate the court records, books, files, moneys and bonds according to the municipalities involved and deliver them to the appropriate City or Village Clerk

(12) TRANSITIONAL PERIOD OF JOINT MUNICIPAL COURT.

- a. Marshfield Area Municipal Judge to Preside Pending Initial Election. In the event that this ordinance is adopted by each of the City of Marshfield or Village of Spencer to take effect at a time in advance of the commencement of the next term of office for the Municipal Judge, the Municipal Judge of the City of Marshfield, an existing Municipal Court, shall continue to serve as the Judge of the Joint Municipal Court until the end of the current term of office.



- b. Vacancy in Office of Municipal Judge. In the *event* of a permanent vacancy in the office of the Marshfield Area Municipal Judge pending the initial election of the Joint Municipal Judge under this ordinance, the office of Municipal Judge may be filled by temporary appointment by the Marshfield City Council and Spencer Village Board acting jointly. The office shall then be permanently filled by special election by the electors of the City and Village held concurrently with the next spring election following the occurrence of the vacancy, except that a vacancy occurring during the period after December 1 and on or before the date of the spring election shall be filled at the succeeding spring election, and no such election may be held after the expiration of the term of office nor at any time of holding the regular election for the office.

(13) OPERATING AGREEMENT. In accordance with s. 755.01(4), Wisconsin Statutes, the City of Marshfield and Village of Spencer shall enter into a joint operating agreement to exercise the authority under s. 755.01(1), Wisconsin Statutes.

(14) AMENDMENTS TO ORDINANCE. This ordinance, whose substantive terms shall be adopted by the City of Marshfield and Village of Spencer, shall not be deemed to have been amended by either of the Governing Boards unless and until each of the Governing Boards shall adopt the same, exact ordinance amending or creating this ordinance.

(ORD 1318, 10/13/15)