

## TITLE 2

### Government and Administration

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## CHAPTER 1

### City Government; Elections

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#### SEC. 2-1-1 CITY GOVERNMENT. (Ord. 2004-23)

- (a) **Mayor-Council Government.** The City of Cedarburg is a body corporate and political with the powers of a municipality at common law and governed by the provisions of Chapters 62 and 66 of the Wisconsin Statutes, laws amending those chapters, other acts of the legislature and the Constitution of the State of Wisconsin. The City of Cedarburg operates under the Mayor-Council form of government under Chapter 62, Wis. Stats.
- (b) **Division of Responsibilities.**
- (1) Legislative Branch. The Common Council is the legislative branch of City Government. Its primary business is the passage of laws in the form of ordinances or resolutions which shall prescribe what the law shall be, not only in relation to the particular facts existing at the time, but as to all future cases arising under it. The Common Council shall fix the salaries of all officers and employees of the City, and be charged with the official management of the City's financial affairs, its budget, its revenues and the raising of funds necessary for the operation of the City.
  - (2) Executive Branch. The Mayor shall be the chief executive officer. He shall take care that all City ordinances and state laws are observed and enforced and that all City officers, boards, and commissions discharge their duties. When present, he shall preside at the meetings of the Common Council. He shall from time to time give the Council such information and recommend such measures as he may deem advantageous to the City.

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

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

The official newspaper of the City of Cedarburg shall be designated by the Common Council at its annual organizational meeting.

State Law Reference: Sec. 985.06, Wis. Stats.

**SEC. 2-1-3 ALDERMANIC DISTRICTS AND WARDS.** (Ord. Nos. 2001-28 and 2001-45) (Ord. No. 2009-10) (Ord. No. 2011-09) (Ord. No. 2011-10)

The City of Cedarburg shall consist of seven (7) Aldermanic Districts, the respective boundaries of which are described as follows:

- (a) **Aldermanic District 1.** Alderman District No. 1 shall consist of Ward No. 1 as follows:
- (1) **Ward No. 1.** Commencing at the intersection of the city limit and Susan Lane; thence east approximately 730 feet along the city limit; thence north approximately 1000 feet along the city limit; thence east approximately 1300 feet along the city limit to the intersection of CTH I; thence north along the centerline of CTH I to the intersection with STH 60; thence west along the centerline of STH 60 approximately 1200 feet; thence north approximately 2050 feet along the city limit; thence east approximately 1270 feet along the city limit to the intersection of CTH I; thence south along the centerline of CTH I to the intersection of CTH I and STH 60; thence east along the centerline of STH 60 approximately 1160 feet to the intersection with the city limit; thence south approximately 260 feet south along the city limit; thence east approximately 200 feet along the city limit; thence south approximately 1070 feet along the city limit; thence east along the city limit to the west bank of Cedar Creek; thence south approximately 1120 feet along the west bank of Cedar Creek; thence west approximately 150 feet along the city limit; thence south approximately 320 feet along the city limit; thence southwest approximately 450 feet along the city limit; thence south approximately 330 feet along the city limit; thence east along the city limit to the west bank of Cedar Creek; thence south approximately 420 feet along the west bank of Cedar Creek; thence east to the east bank of Cedar Creek; thence south approximately 1100 feet along the east bank of Cedar Creek; thence east along the city limit to the centerline of Hawthorne Lane; thence south along the centerline of Hawthorne Lane to the intersection of Hawthorne Lane and Alpine Drive; thence west along the extended centerline of Alpine Drive to Cedar Creek; thence southwest along Cedar Creek to the intersection of Riveredge Drive and the extended centerline of Jefferson Avenue; thence south approximately 320 feet along the extended centerline of Jefferson Avenue; thence west approximately 60 feet along north cul-de-sac lot property line; thence southeast approximately 140 feet to the Jefferson Avenue north cul-de-sac center; thence south along the centerline of Jefferson Avenue to the intersection of Jefferson Avenue and Bridge Road; thence

east along the centerline of Bridge Road to the intersection with Harrison Avenue; thence north along the centerline of Harrison Avenue to the intersection of Hickory Street; thence east along the centerline of Hickory Street to its intersection with Pine Street; thence southeast along the centerline of Pine Street to the intersection of Evergreen Boulevard; thence east along the centerline of Pine Street to the intersection of Washington Avenue; thence Northwest along the centerline of Washington Avenue to the intersection of Cambridge Avenue; thence northeast along Cambridge Avenue; thence north along Cambridge Avenue to the intersection with Fieldcrest Street; thence east along the centerline of Fieldcrest Street to the intersection with Lexington Street; thence northwest along the centerline of Lexington Street to the intersection with Susan Court; thence 375 feet north along Susan Court to Susan Lane to the point of beginning.

(b) **Aldermanic District 2.** Aldermanic District No. 2 shall consist of Ward No. 2 as follows:

(1) Ward No. 2. Commencing that the intersection of Wauwatosa Road and Bridge Street: thence north approximately 1300 feet to a point north of the intersection of Wauwatosa Road and Top View Trail; thence west approximately 2600 feet along the city limit; thence south approximately 1300 feet to the intersection of the city limit with Bridge Road; thence east approximately 1850 feet along the centerline of Bridge Road to the intersection with the city limit; thence south approximately 330 feet along the city limit; thence west approximately 600 feet along the city limit; thence south approximately 650 feet along the city limit; thence east approximately 1300 feet along the city limit to the intersection with Wauwatosa Road; thence south approximately 1000 feet along the centerline of Wauwatosa Road to the city limit; thence east approximately 630 feet along the city limit; thence south approximately 650 feet along the city limit; thence west approximately 125 feet along the centerline of Western Road to the city limit; thence south approximately 360 feet along the city limit; thence west approximately 125 feet along the city limit; thence north approximately 360 feet along the city limit; thence west approximately 1700 feet along the centerline of Western Avenue to the city limit; thence south approximately 680 feet along the centerline of Ridgeway Lane; thence west approximately 650 feet along the city limit; thence south approximately 1280 feet along the city limit; thence east approximately 650 feet along the city limit; thence south approximately 300 feet along the city limit; thence east approximately 1300 feet along the city limit; thence north along the centerline of Wauwatosa Road to the intersection of Lincoln Avenue; thence east along the centerline of Lincoln Avenue to the intersection with Cedar Pointe Avenue; thence northeast along the centerline of Cedar Pointe Avenue to the intersection with Buchanan Road; thence southeast along the centerline of Buchanan Road to the intersection with Fox Pointe Avenue; thence northeast along the centerline of Fox Pointe Avenue to the intersection with Wilson Street; thence southeast along the centerline of Wilson Street to the intersection with Evergreen Boulevard; thence northeast along the centerline of Evergreen Boulevard to the intersection with Cleveland Street; thence east along the centerline of Cleveland Street to the intersection with Madison Avenue; thence north along the centerline of Madison Avenue approximately 570 feet to the intersection with Bridge Road;

thence west along the centerline of Bridge Road to Harrison Avenue; thence west along the centerline of Harrison Avenue to the intersection with Oak Street; thence west along the centerline of Oak Street and then southwest along the centerline of Oak Street to the intersection with Chestnut Street; thence northwest along the centerline of Chestnut Street to the intersection with Tower Avenue; thence south along the centerline of Tower Avenue to Bridge Road; thence west along the centerline of Bridge Road to the point of beginning.

(c) **Aldermanic District 3.** Aldermanic District No. 3 shall consist of Ward No. 3 as follows:

(1) Ward No. 3. Commencing at the intersection of Washington Avenue and Bridge Road; thence west along the centerline of Bridge Road to the intersection at Madison Avenue; thence south approximately 570 feet to the intersection with Cleveland Street; thence west along the centerline of Cleveland Street to the intersection with Evergreen Boulevard; thence south along the centerline of Evergreen Boulevard to the intersection with Wilson Street; thence northwest along the centerline of Wilson Street to the intersection with Fox Pointe Avenue; thence southwest along the centerline of Fox Pointe Avenue to the intersection with Buchanan Street; thence west along the centerline of Buchanan Street to the intersection with Cedar Pointe Avenue; thence southwest Cedar Pointe Avenue to the intersection with Lincoln Boulevard; thence west along Lincoln Boulevard to Wauwatosa Road; thence south approximately 500 feet along Wauwatosa Road to the city limit; thence east approximately 1300 feet along the city limit; thence south approximately 680 feet along the city limit; thence east approximately 500 feet along the city limit; thence north approximately 150 feet along the city limit; thence east approximately 830 feet along the city limit; thence south approximately 460 feet along the city limit; thence west approximately 180 feet along the city limit; thence south approximately 66 feet along the city limit; thence east approximately 180 feet along the city limit; thence south approximately 300 feet along the city limit; thence west approximately 350 feet along the city limit; thence south approximately 1300 feet along the city limit to the intersection of Pioneer Road; thence east approximately 300 feet along the centerline of Pioneer Road to its intersection with Evergreen Boulevard; thence north along the centerline of Evergreen Boulevard to the intersection with Lincoln Boulevard; thence east along the centerline of Lincoln Boulevard to the intersection with Hillcrest Lane; thence north along the centerline of Hillcrest Lane to the intersection with Jackson Street; thence east along the centerline of Jackson Street to the intersection with Washington Avenue; thence north along the centerline of Washington Avenue to the point of beginning.

(d) **Aldermanic District 4.** Aldermanic District No. 4 shall consist of the boundary of the area created by combining Ward Nos. 4 and 8 as follows:

(1) Ward No. 4. Beginning at the intersection of Highland Drive and the northerly bank of Cedar Creek; thence southwest along the bank of Cedar Creek; thence northwest along the bank of Cedar Creek to the intersection with Columbia Road; thence west along the centerline of Columbia Road to the intersection of Portland Road; thence

southeast along the centerline of Portland Road to its intersection with the Canadian National Rail Road Line; thence south along the Canadian National Rail Road Line to its intersection with Lincoln Boulevard; thence east along the centerline of Lincoln Boulevard; thence south along the centerline of Lincoln Boulevard to the intersection with McKinley Boulevard; thence south along the centerline of McKinley Boulevard; thence east along the centerline of McKinley Boulevard; thence south along the centerline of McKinley Boulevard to the intersection of CTH C; thence east approximately 1120 feet along the centerline of CTH C to the intersection with the city limits; thence north approximately 1500 feet along the city limit; thence northwest approximately 150 feet along the city limit to the intersection with Fillmore Avenue; thence northeast along the centerline of Fillmore Avenue to the intersection with Hamilton Road; thence southeast approximately 255 feet along the centerline of Hamilton Road to the city limit; thence northeast along the city limit to the westerly bank of Cedar Creek; thence north along the bank of Cedar Creek to the city limit; thence north approximately 1900 feet along the city limit to Portland road; thence east approximately 200 feet along the centerline of Portland Road to the city limit; thence north approximately 500 feet along the city limit; thence west approximately 200 feet along the city limit; thence north along the city limit to the intersection with the Canadian National Rail Road; thence northeast approximately 1630 feet along the Canadian National Rail Road to the city limit; thence north approximately 600 feet along the city limit; thence southwest along the city limit; thence northwest along the city limit; thence north along the city limit; thence southwest along the city limit; thence north along the city limit to the point of beginning.

(2) Ward No. 8. Commencing at the intersection of Riverland Road and CTH C (Pioneer Road); thence west approximately 1325 feet along the north line of CTH C (Pioneer Road); then north approximately 2650 feet along the city limit; thence east approximately 1315 feet along the city limit; thence north approximately 1360 feet across Cedar Creek along the city limit; thence east approximately 1120 feet along the city limit to the northwest corner of Cedar Creek and Milwaukee River; thence south approximately 1500 feet along the west side of the Milwaukee River; thence west approximately 830 feet along the city limit; thence south approximately 2650 feet along the city limit to the point of beginning.

(e) **Aldermanic District 5.** Aldermanic District No. 5 shall consist of Ward No. 5 as follows:

(1) Ward No. 5. Beginning at the intersection of Columbia Road and Washington Avenue; thence south along the centerline of Washington Avenue to the intersection with Jackson Street; thence west along the centerline of Jackson Street to the intersection with Hillcrest Avenue; thence south along Hillcrest Avenue to the intersection with Lincoln Boulevard; thence west along the centerline of Lincoln Boulevard to the intersection of Evergreen Boulevard; thence south along the centerline of Evergreen Boulevard to the city limit; thence east approximately 190 feet along the city limit; thence north approximately 330 feet along the city limit; thence east approximately 380 feet along the city limit; thence south approximately

725 feet along the city limit; thence east approximately 475 feet along the city limit; thence south approximately 780 feet along the city limit; thence east approximately 1690 feet along the city limit; thence south approximately 670 feet along the city limit; thence east approximately 1340 feet along the city limit; thence north approximately 1900 feet along the city limit; thence east along the centerline of CTH C to the intersection of CTH C and McKinley Boulevard; thence north along the centerline of McKinley Boulevard; thence west along the centerline of McKinley Boulevard; thence north along the centerline of McKinley Boulevard to the intersection of McKinley Boulevard and Lincoln Boulevard; thence west along the centerline of Lincoln Boulevard to the intersection with the Canadian National Rail Road; thence northeast along the Canadian National Rail Road to its intersection with Portland Road; thence northwest along the centerline of Portland Road to Columbia Road; thence west along the centerline of Columbia Road to the point of beginning.

(f) **Aldermanic District 6.** Aldermanic District No. 6 shall consist of Ward No. 6 as follows:

(1) Ward No. 6. Commencing at the intersection of Alpine Lane and Hawthorne Lane; thence north approximately 400 feet along the centerline of Hawthorne Lane to the intersection with the city limit; thence east approximately 850 feet along the city limit to the west line of Keup Road; thence north approximately 670 feet along the west line of Keup Road to the intersection with the city limit; thence west approximately 1275 feet along the city limit; thence northeast approximately 575 feet and north approximately 190 feet along the city limit; thence west approximately 190 feet along the city limit; thence north approximately 240 feet along the city limit to the intersection with Cedar Creek; thence north approximately 790 feet along the east bank of Cedar Creek to the intersection with the city limit; thence east approximately 450 feet along the city limit; thence south along the city limit to the intersection with West Highland Drive, Village of Grafton, extended; thence northeast and east along the centerline of West Highland Drive, extended to the intersection with Keup Road; thence south approximately 1375 feet along the centerline of Keup Road; thence east approximately 400 feet along the city limits; thence south approximately 280 feet along the city limits; then west approximately 110 feet along the city limit; thence south along the city limits to the north property line for Thorson School; thence east along said property line to the intersection with the east property line of Thorson School; thence south approximately 2300 feet along said east property line, extended to the intersection with the city limit; thence west approximately 860 feet along the city limit; thence north approximately 200 feet along the city limit; thence west approximately 33 feet along the city limit; thence south approximately 200 feet along the city limit; thence west approximately 190 feet along the city limit; thence south approximately 190 feet to the city limit; thence west approximately 190 feet along the city limit to the intersection with the east line of Keup Road; thence north approximately 375 feet along the east line of Keup Road; then west approximately 66 feet to the west line of Keup Road; thence north along the west line of Keup Road to the south line of the Wisconsin

Electric Power Company right of way; thence southwest approximately 260 feet along said line to the intersection with the city limit; thence south approximately 450 feet along the city limit; thence east along the city limit to the intersection with the west line of Keup Road; thence south along the west line of Keup Road to the intersection with the south line of Pine Road, Town of Cedarburg, extended; thence east approximately 260 feet along the south line of Pine Road to the city limit; thence south approximately 180 feet along the city limit; thence west approximately 230 feet along the city limit to the intersection with Keup Road; thence south along the centerline of Keup Road to the intersection with Columbia Road; thence east approximately 115 feet along the city limit; thence south along the city limit to the intersection with the north bank of Cedar Creek; thence southwest along the north bank of Cedar Creek to the intersection with Columbia Road; thence southeast along the centerline of Columbia Road to the intersection with Washington Avenue; thence north along the centerline of Washington Avenue to the intersection with Bridge Road; thence east along the centerline of Bridge Road to the intersection with Jefferson Avenue; thence north along the centerline of Jefferson Avenue to the center of the north cul-de-sac; thence northwest approximately 140 feet to the north cul-de-sac property's northwest corner; thence east approximately 60 feet along the cul-de-sac north property line; thence north approximately 320 feet to the south bank of Cedar Creek; thence northeast along the south bank of Cedar Creek to the extended centerline of Alpine Drive; thence east along the extended centerline of Alpine Drive to the point of beginning.

(g) **Aldermanic District 7.** Aldermanic District No. 7 shall consist of Ward No. 7 as follows:

- (1) Ward No. 7. Commencing at the intersection of Bridge Road and STH 181 (Wauwatosa Road); thence north approximately 1330 feet along the centerline of STH 181; thence west approximately 270 feet to the intersection with the city limit; thence north along the city limit to the centerline of Sherman Road; thence west approximately 2300 feet along the centerline of Sherman Road to the intersection of the city limit; thence north approximately 1330 feet along the city limit; thence east along the city limit to the centerline of STH 181; thence north approximately 1330 feet along the centerline of STH 181; thence east along the city limit to the centerline of Washington Avenue; thence northwest approximately 1500 feet along centerline of Washington Avenue; thence east approximately 2300 feet along the city limit; thence north along the city limit to the centerline of STH 60; thence east approximately 1330 feet along the northline of STH 60; thence south approximately 2070 feet along the city limit; thence west approximately 1330 feet along the city limit; thence south approximately 1330 feet along the city limit; thence west approximately 100 feet along the city limit; thence south to the south line of Susan Lane; thence west approximately 530 feet along the south line of Susan Lane; thence north 250 feet along the city limit; thence west along the city limit to the centerline of Washington Avenue; thence southeast approximately 510 feet along the centerline of Washington Avenue; thence east approximately 630 feet along the city limit; thence north

approximately 160 feet along the city limit; thence east approximately 80 feet along the city limit; thence north approximately 420 feet along the city limit; thence east approximately 105 feet along the city limit; thence north approximately 20 feet along the city limit; thence east approximately 435 feet along the city limit; thence south to the north line of Susan Lane; thence east along the north line of Susan Lane to the extended centerline of Susan Court; thence south along the extended centerline of Susan Court to the intersection of Susan Court and Lexington Street; thence southeast along the centerline of Lexington Street to the intersection of Lexington and Fieldcrest Street; thence west along the centerline of Fieldcrest Street to the intersection of Fieldcrest and Cambridge Avenue; thence southwest along the centerline of Cambridge Avenue to the intersection of Cambridge Avenue and Washington Avenue; thence southeast along the centerline of Washington Avenue to the intersection of Washington Avenue and Pine Street; thence west along the centerline of Pine Street then northwest along the centerline of Pine Street to the intersection of Pine Street and Hickory Street; thence west along the centerline of Hickory Street to the intersection of Hickory Street and Harrison Avenue; thence south along the centerline of Harrison Avenue to the intersection of Harrison Avenue and Oak Street; thence west along the centerline of Oak Street then southwest along the centerline of Oak Street to the intersection of Oak Street and Chestnut Street; thence northwest along the centerline of Chestnut Street to the intersection of Chestnut Street and Tower Avenue; thence south along the centerline of Tower Avenue to the intersection of Tower Avenue and Bridge Road; thence west along the centerline of Bridge Road to the point of beginning.

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

- (a) **Annual City Election.** The annual City election shall be held on the first Tuesday in April.
- (b) **Polling Hours.** The **polls for all elections shall** open at 7:00 a.m. and shall close at 8:00 p.m.
- (c) **Election Officials.**
  - (1) Election Officials.
    - a. The City Clerk shall have the authority to determine the number of election officials to adequately staff each election, and to reduce the number of election inspectors to an odd number of not less than three (3) per aldermanic district at any given election. (Ord. 2003-06)
    - b. The City Clerk is authorized to select Tabulators and Registration Deputies for any election within the City at a compensation to be fixed by the Common Council.
  - (2) Appointment; Duties; Powers.
    - a. Such election officials shall have all of the powers and perform all of the duties prescribed for such officers by the statutes. Inspectors shall serve as clerk of election as may be necessary.
    - b. Such election officials shall be selected in the manner provided by

- law.
- c. The City Clerk is authorized to select alternate officials or two (2) sets of officials to work at different times on Election Day. (Ord. 96-22)
  - d. Such election officials shall receive such compensation as fixed by resolution of the Common Council.
- (3) Board of Canvassers. There shall be a Board of Canvassers which shall consist of the City Clerk and two (2) citizens of the City appointed by the Clerk. The Board of Canvassers shall canvass each election in the manner prescribed by the Wisconsin Statutes.
- (4) Municipal Board of Absentee Canvassers.
- a. The Municipal Board of Absentee Ballot Canvassers shall be composed of the Municipal Clerk, or a qualified elector of the municipality designated by the Clerk, and 2 other qualified electors of the municipality appointed by the Clerk for a term of 2 years commencing on January 1 of each odd-numbered year. The municipality may appoint additional inspectors under s. 7.30(2)(a) to assist the absentee ballot board of canvassers in canvassing absentee ballots under this section.
  - b. The City of Cedarburg declares in lieu of canvassing absentee ballots at polling places under s. 6.88, the Municipal Board of Absentee Ballot Canvassers shall canvass all absentee ballots at all elections held in the municipality pursuant to procedures established by the State division governing elections.
  - c. The Municipal Clerk shall give at least 48 hours notice of any meeting under this subsection.
  - d. The Municipal Clerk, no later than the closing hour of the polls, shall post at his or her office and on the Internet at a site announced by the Municipal Clerk before the poll opens, and shall make available to any person upon request, a statement of the number of absentee ballots that the Clerk has mailed or transmitted to electors and that have been returned by the closing hour on election day. (Ord. 2008-10)

(See Ordinance No. 2001-45 combining Wards)  
State Law Reference: Sec. 7.53, Wis. Stats.

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

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

State Law Reference: Sec. 8.05(4), Wis. Stats.

**SEC. 2-1-6 VOTER REGISTRATION.**

All electors for all elections shall be required to be registered. The City Clerk shall receive applications for registration at his office during regular office hours throughout the year, except that registration may also be completed at City polling places on election days upon presentation of proper identification and proof of residence.

## CHAPTER 2

### Mayor; Common Council

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

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

State Law Reference: Section 62.11, Wis. Stats.

#### **SEC. 2-2-2 COUNCIL MEMBERS.** (Ord. 94-19)

- (a) **Election, Term, Number.** The City shall have seven (7) Council Members in addition to the Mayor, who is a member of the Common Council by virtue of his office as Mayor. The seven (7) Council Members shall constitute the Common Council. There shall be one (1) Council Member elected from each of the even-numbered aldermanic districts at the annual spring election in the odd-numbered years. There shall be one (1) Council Member elected from each of the odd-numbered aldermanic districts in the even-numbered years at the

annual spring election. The regular term of office of Council Member shall be two (2) years and shall commence on the third Tuesday of April following their election. No person shall be eligible to be appointed or elected to the office of Council Member in an aldermanic district if that person previously held such office for four (4) or more full consecutive terms, unless there is no candidate that files the required ballot access documents or a vacancy occurs during the subsequent term. (Charter Ordinance 95-15) (Charter Ordinance 2008-24)

- (b) **Appointment as Mayor.** A Council Member shall be eligible for appointment as Mayor to fill an unexpired term.

State Law Reference: Sec. 62.09, Wis. Stats.

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

- (a) **Election.** The regular term of the Mayor shall be three (3) years. No person shall be eligible to be appointed or elected to the office of Mayor if that person previously held the office of Mayor for three (3) or more full consecutive terms, unless there is no candidate that files the required ballot access documents or a vacancy occurs during the subsequent term. (Charter Ordinance 95-16) (Charter Ordinance 2008-24)
- (b) **Duties.**
- (1) The Mayor shall be the Chief Executive officer of the City. He shall take care that City ordinances and the State Statutes are observed and enforced and that all City officers and employees discharge their duties.
  - (2) The Mayor shall, from time to time, provide the Council such information and recommend such measures as he may deem advantageous to the City. - When present, he shall preside at the meetings of the Council.
  - (3) The Mayor shall review the development of the City budget.
  - (4) The Mayor shall provide direction for the City's economic development and other long-range plans.
  - (5) The Mayor shall analyze and interpret federal, state and county legislation to determine its impact on the City.
  - (6) The Mayor shall have such other duties and responsibilities as are prescribed in the Wisconsin Statutes and this Code of Ordinances.
- (c) **Veto Power.** He shall have the veto power as to all acts of the Council except such as to which it is expressly or by necessary implications otherwise provided. All such acts shall be submitted to him by the City Clerk and shall be enforced upon his approval, evidenced by his signature, or upon his failing to approve and disapprove within five (5) days, which fact shall be certified thereon by the Clerk. If the Mayor disapproves, he shall file his objection with the Clerk, who shall present it to the Council at its next meeting. A two-thirds (2/3) vote of all the members of the Council shall be necessary to make the act effective, notwithstanding the objection of the Mayor.

State Law Reference: Sec. 62.09(8), Wis. Stats.

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

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

State Law Reference: Sec. 62.09(8)(e), Wis. Stats.

## SEC. 2-2-5 STANDING COMMITTEES; ACTION ON COMMITTEE REPORTS.

- (a) **Standing Committees.** At the organizational meeting of the Common Council in each year following the annual election, the Mayor may appoint Council Members to standing committees.
- (b) **Committee Appointment.**
  - (1) The Chairman of the Board of Appeals shall be designated by the Mayor; the Chairman of all other standing committees shall be selected by their membership. Each member shall serve as appointed unless excused by a majority of the members of the Council. All Council Members shall serve on at least one (1) standing committee. The Mayor shall be an ex officio member of each standing committee.
  - (2) The Mayor may declare the entire Council a committee of the whole for informal discussion at any meeting or for any other purpose and shall ex officio be chairman of the same.
  - (3) The Mayor may, from time to time, appoint such special committee or committees as may deem advisable or as provided for by motion or resolution stating the number of members and object thereof to perform such duties as may be assigned to them.
- (c) **Committee Reports.**
  - (1) All ordinances, resolutions, communications and other matters submitted to the Council may be read by title and author and referred to the appropriate committee by the Mayor without motion unless objected to by a Council member. The Clerk shall read and record each such reference by title. Any Council Member may require the reading in full of any matter at any time it is before the Council.
  - (2) Each committee shall, at the next regular Council meeting, submit a report on all matters referred to it unless a longer time be granted by vote of the Council. Such report shall recommend a definite action on each item and shall be approved by a majority of the committee. Any committee may require any City officer or employee to confer with it and supply information in connection with any matter pending before it. Minority reports may be submitted.
  - (3) Resolutions, ordinances and committee recommendations will be placed on the agenda for Council action only if they are submitted to the City Clerk in written form a minimum of five (5) days prior to the meeting at which action is requested.

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

- (a) **General.** The Common Council shall be vested with all the powers of the City not specifically given some other officer. Except as otherwise provided by law, the Common Council shall have the management and control of the City property, finances, highways, streets, navigable waters and the public service, and shall have the power to act for the government and good order of the City, for its commercial benefit and for the health, safety, welfare and convenience of the public, and may carry its powers into effect by license, regulation, suppression, borrowing, taxation, special assessment, appropriation, fine, imprisonment and other necessary or convenient means. The powers hereby conferred shall be in addition to all other grants and shall be limited only by express language.
- (b) **Acquisition and Disposal of Property.** The Common Council may acquire property, real or personal, within or without the City, for parks, libraries, historic places, recreation, beautification, streets, waterworks, sewage or waste disposal, harbors, improvement of watercourses, public grounds, vehicle parking areas and for any other public purpose; may acquire real property within or continuous to the City, by means other than condemnation, for industrial sites; may improve and beautify the same; may construct, own, lease and maintain buildings on such property for instruction, recreation, amusement and other public purposes; and may sell and convey such City-owned property, except dedicated, platted parks.
- (c) **Acquisition of Easements and Property Rights.** Confirming all powers granted to the Common Council and in furtherance thereof, the Council is expressly authorized to acquire by gift, purchase or condemnation under Ch. 32, Wis. Stats., any and all property rights in lands or waters, including rights of access and use, negative or positive easements, restrictive covenants, covenants running with land, scenic easements and any rights for use of property of any nature whatsoever, however denominated, which may be lawfully acquired for the benefit of the public or for any public purpose, including the exercise of powers granted under Sections 61.35 and 62.23, Wis. Stats.; and may sell and convey such easements or property rights when no longer needed for public use or protection.
- (d) **City Finances.** The Common Council may levy and provide for the collection of taxes and special assessments; may refund any tax or special assessment paid, or any part thereof, when satisfied that the same was unjust or illegal; and generally may manage the City finances.
- (e) **Construction of Powers.** Consistent with the purpose of giving to cities the largest measure of self-government in accordance with the spirit of the home rule amendment to the Constitution, the grants of power to the Common council in this Section and throughout this Code of Ordinances shall be liberally construed in favor of the rights, powers and privileges of cities to promote the general welfare, peace, good order and prosperity of the City and its inhabitants.

State Law Reference: Art. XI, Sec. 3, Wis. Const.; Sections 62.09(7) and 62.11, Wis. Stats.

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

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

State Law Reference: Sec. 66.30, Wis. Stats.

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

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

State Law Reference: Sec. 62.11, Wis. Stats.

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

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

State Law Reference: Sec. 62.09(6), Wis. Stats.

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

- (a) **Annual Organization Meeting.** Following a regular City election, the Common Council shall meet on the third Tuesday of April for the purpose of organization. If the positions of Council Member are uncontested and incumbents are re-elected, the Council shall have the option of combining the Organizational Meeting with the regularly scheduled meeting taking place on the second Monday of April. (Ord. 2005-05)
- (b) **Regular Meetings.** Regular meetings of the Common Council shall be held on the second and last Mondays of each calendar month, at the hour of 7:00 p.m. Any regular meetings falling upon a legal holiday shall be held on the next following secular day, at the same hour and place, or as otherwise designated by majority vote of the Common Council, except May and December when only one Council meeting shall be held on the second Monday of the month. All meetings of the Council shall be held in the Cedarburg City Hall, including special and adjourned meetings, unless another location is designated. (Ord. 97-06)

State Law Reference: Sec. 62.11(2), Wis. Stats.

#### **SEC. 2-2-11 SPECIAL MEETINGS.**

Special meetings may be called by the Mayor upon written notice of the time and purpose thereof to each member of the Council delivered to him personally or left at his usual place of abode at least six (6) hours before the meeting. The City Clerk shall cause an affidavit of service of such notice to

be filed in his office prior to the time fixed for such special meetings. A special meeting may be held without such notice when all members of the Common Council are present in person, or consent in writing to the holding of such a meeting, provided the provisions of Wisconsin's Open Meeting Law are complied with. If written consent is obtained, it shall be filed with the City Clerk prior to the beginning of the meeting. Attendance by any Council member shall be deemed a waiver on his part of any defect of notice. Any special meeting attended by all Council Members shall be a regular meeting for the transaction of any business that may come before such meeting.

State Law Reference: Sec. 62.11(2), Wis. Stats.

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

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

State Law Reference: Sec. 62.11(3)(c) and Ch. 19, Subch. IV, Wis. Stats.

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

- (a) Two-thirds (2/3) of the Council Members of the Common Council shall constitute a quorum, but a lesser number may adjourn if a majority is not present or compel the attendance of absent members. No action shall be taken unless a quorum is present. The Mayor shall not be counted in determining whether a quorum is present at a meeting but may cast his vote in the case of a tie. When the Mayor does vote in the case of a tie, his vote shall be counted in determining whether a sufficient number of the Council has voted favorably or unfavorably.
- (b) The Council may, by a majority vote of those present, adjourn from time to time to a specific date and hour.

State Law Reference: Sec. 62.11(3)(b), Wis. Stats.

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

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

night. The "Acting Mayor" shall have voting rights as provided in Section 2-2-4.

- (b) **Duties.** The presiding officer shall preserve order and decorum, decide all questions of order, and conduct the proceedings of the meeting in accordance with the parliamentary rules contained in Robert's Rules of Order, unless otherwise provided by statute or by these rules. Any member shall have the right to appeal from a decision of the presiding officer. An appeal shall be sustained by a majority vote of the members present excluding the Mayor. In the absence of the City Clerk, the presiding officer shall appoint a clerk pro tem.  
State Law Reference: Sec. 62.09(8), Wis. Stats.

## **SEC. 2-2-15 ORDER OF BUSINESS.**

- (a) **Order of Business of Council.** The business of the Common Council shall be conducted in the following order:
- (1) Call to order by presiding officer.
  - (2) Public hearings (if applicable).
  - (3) Roll call. If a quorum is not present, the meeting shall thereupon adjourn, which may be to a specific date.
  - (4) Approval of minutes of the preceding meeting, if correct, and rectifying mistakes, if any exist.
  - (5) Reports of committees, boards and commissions.
  - (6) Unfinished business from previous meeting.
  - (7) New business, including the introduction of ordinances and resolutions.
  - (8) Passing on bills and claims, reports of City officers.
  - (9) Comments and suggestions by citizens present.
  - (10) Communications and miscellaneous business.
- (b) **Order to be Followed; Citizen Comments.** No business shall be taken up out of order unless by unanimous consent of all Council Members and in the absence of any debate whatsoever. The Mayor or presiding officer may impose a time limit on the length of time citizens may address the Council.
- (c) **Roll Call; Procedure When Quorum Lacking** As soon as the Council shall be called to order, the City Clerk shall proceed to call the names of the members, noting who are present and who are absent and record the same in the proceedings of the Council. If it shall appear that there is not a quorum present, the fact shall be entered on the journal and the Council shall adjourn.

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

- (a) **Ordinances to be in Writing.** All ordinances submitted to the Council shall be in writing and shall begin with a brief statement of the subject matter and a title. Any written material introduced may be referred to the appropriate committee pursuant to Section 2-2-5. Any member of the Council may require the reading in full of any ordinance or resolution at any time it is before the Council.
- (b) **Subject and Numbering of Ordinances.** Each ordinance shall be related to no more than one (1) subject. Amendment or repeal of ordinances shall only be accomplished if the

amending or repealing ordinance contains the number and title of the ordinance to be amended or repealed, and title of amending and repealing ordinances shall reflect their purpose to amend or repeal.

- (c) **Notice.**
  - (1) The Common Council may take action on an ordinance only if it appears on the written agenda for the meeting at which action is requested.
  - (2) Ordinances will be placed on the agenda for Council action only if they are submitted to the City Clerk in written form not later than noon on the Wednesday prior to the meeting at which action is requested.
- (d) **Disposition of Petitions, Communication, Etc.** Every petition or other writing of any kind, addressed to the Council, the Clerk or other City officer for reference to the Common Council, shall be delivered by the Clerk or such other City officer to the Mayor or to the presiding officer of the Council as soon as convenient after receipt of same and, in any event, prior to or at the opening of the next meeting of the Council following receipt of same. Every such petition or other writing and every paper, communication or other proceeding which shall come before the Council for action may be referred by the Mayor or presiding officer, unless objected to by a member of the Council.

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

- (a) All general ordinances of the City and all regulations imposing any penalty shall be published in the official paper of the City once and shall be immediately recorded, with the affidavit of publication, by the City Clerk in a book kept for that purpose. A printed copy of such ordinance or regulation in any book, pamphlet or newspaper and published or purporting to be published therein by direction of the Common Council shall be prima facie proof of due passage, publication and recording thereof.
- (b) All ordinances shall take effect and be in force from and after passage and publication, unless otherwise provided and published copies thereof shall have appended the date of first publication.

State Law Reference: Sec. 62.11(4), Wis. Stats.

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

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

- (a) **Addressing Chair.** No Council Member or other City officer shall address the Council until he has been recognized by the presiding officer. He shall thereupon address himself to the presiding officer and confine his remarks to the question under discussion.
- (b) **Recognition.** When two (2) or more members simultaneously seek recognition, the presiding officer shall name the member who is to speak first.
- (c) **Addressing Council.** No person other than a member shall address the Council except under order of business, except that citizens may address the Council with the permission of

- the presiding officer as to matters which are being considered by the Council at the time.
- (d) **Motions.** No motion shall be discussed or acted upon unless and until it has been seconded. No motion shall be withdrawn or amended without the consent of the person making the same and the person seconding it.
  - (e) **Mayor's Vote.** The Mayor shall not vote except in the case of a tie. When the Mayor does vote in case of a tie, his vote shall be counted in determining whether a sufficient number of the Council has voted favorably or unfavorably on any measure. A majority vote of all members of the Council in favor of any proposed ordinance, resolution or appointment shall be necessary for passage or approval, unless a larger number is required by State Statute. Except as otherwise provided, a majority vote of those present shall prevail in other cases.
  - (f) **Action on Questions.** When a question is under discussion, no action shall be in order except:
    - (1) To adjourn.
    - (2) To lay on the table.
    - (3) The previous question.
    - (4) To postpone to a certain day.
    - (5) To refer to a committee.
    - (6) To amend.
    - (7) To postpone indefinitely.These motions shall have precedence in the order listed.
  - (g) **Vote on Main Question.** Any member desirous of terminating the debate may move the previous question, in which event the Mayor shall announce the question as "Shall the main question now be put?" If a majority of the members present vote in the affirmative, the main question shall be taken without further debate, its effect being to put an end to all debate and bring the Council to a direct vote, first upon any pending amendments and then upon the main question.
  - (h) **Voting.** The "ayes" and "noes" may be requested by any member. On confirmation and on the adoption of any measure assessing or levying taxes, appropriating or disbursing money, or creating any liability or charge against the City or any fund thereof, the vote shall be by "ayes" and "noes." Whenever a roll call is required by law or called for by a member, the Clerk shall call the roll in numerical order of the aldermanic districts, except that the Clerk shall rotate the numerical order so the member voting first shall be called last on the next succeeding vote
  - (i) **Nondebatable Motions.** A motion to adjourn shall always be in order. A motion to adjourn, lay on the table and a call for the previous question shall be decided without debate.

State Law Reference: Sec. 62.11, Wis. Stats.

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

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

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

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

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

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

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

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

## CHAPTER 3

### Municipal Officers and Employees

2-3-1	General Provisions
2-3-2	City Officers
2-3-3	City Administrator
2-3-4	City Clerk
2-3-5	City Comptroller/Treasurer
2-3-6	City Attorney
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2-3-13	Eligibility for Office
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2-3-15	Oath of Office; Bonds of Officers
2-3-16	Combination Appointive
2-3-17	Rule Making Authority

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

- (a) 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 Mayor, shall perform such duties as shall be required of them by the Council. Officers whose powers and duties are not enumerated in Chapter 62 of the Wisconsin Statutes shall have such powers and duties as are prescribed by law for like officers or as are directed by the Council.
- (b) All officers and departments may make the necessary rules for the conduct of their duties and incidental proceedings.
- (c) The general laws for the punishment of bribery, misdemeanors and corruption in office shall apply to City officers.
- (d) Whenever a City official in his official capacity is proceeded against or obliged to proceed before any Court, Board of Commission to defend or maintain his official position or because of some act arising out of the performance or nonperformance of his official duties, and he has prevailed in such proceedings, or the Council has ordered the proceedings discontinued, the Council may provide for payment to such official such sum as it sees fit to reimburse him for the expenses reasonably incurred for costs and attorney's fees.

State Law Reference: Sections 62.09(7) and 62.115, Wis. Stats.

#### **SEC. 2-3-2 CITY OFFICERS.**

- (a) **Enumerated.** In addition to the Mayor and one (1) Council Member from each aldermanic district in the City, the officers of the City shall be the:
- (1) City Administrator/Treasurer. (Charter Ord. 95-48; 97-25; 2004-31; 2007-07)
  - (2) City Clerk.
  - ~~(3) City Comptroller/Treasurer.~~ (Charter Ord. 95-48; 97-25; 2004-31; 2007-07)
  - (4) City Attorney.
  - (5) City Assessor.
  - (6) Chief of Police.
  - (7) Director of Engineering and Public Works.
  - (8) Chief of Fire Department
  - (9) Weed Commissioner.
  - (10) Electrical Inspector.
  - (11) Plumbing Inspector.
  - (12) Building Inspector.
  - (13) Utilities Manager.
  - (14) Parks and Recreation Director. (Charter Ord. 97-25)
  - (15) City Forester.
  - (16) Members of Boards and Commissions.
- (b) **Method of Selection; Duties.** The Mayor and Council Members shall be elected by the voters. All other officers, excepting those for which other special provision is made, shall be appointed by the Mayor, subject to confirmation by the Common Council. The specific position duties and responsibilities shall be contained in the pertinent position description.
- (c) **Spring Primary.** Whenever three (3) or more candidates file nomination papers for an elective City office, a primary to nominate candidates for the office shall be held.
- (d) **Terms.**
- (1) Commencement. The regular term of office of the Mayor and Council Members shall commence on the 3rd Tuesday of April succeeding their election. The regular term of other officers shall commence on May 1 succeeding their election or appointment, except as otherwise specifically provided.
  - (2) Length. The regular term of all elective officers shall be two (2) years, except that the Mayor's term shall be three (3) years. The term of appointive officers shall be one (1) year, except as otherwise specifically provided.
- (e) **Salaries.** The salary of officers shall be fixed by ordinance of the Common Council not later than the first meeting in February for the next term of each office.
- (f) **Comptroller.** The Office of Comptroller is hereby recreated and the duties of Comptroller shall be performed by the City Treasurer. (Charter Ordinance. 95-48) (Charter Ord. 97-25) (Charter Ord. 2004-31)

**SEC. 2-3-3 CITY ADMINISTRATOR.** (Ord. 2004-24) (Charter Ord. 2007-07)

- (a) **Office Created.** The position of City Administrator/Treasurer was established to provide the City of Cedarburg with a more efficient, economical, coordinated, responsible and responsive municipal government under a system of Mayor and Common Council.
- (b) **Appointment, Removal.** The City Administrator/Treasurer shall be appointed by the Mayor, subject to confirmation by the Common Council.

- (c) **Duties and Responsibilities.** The City Administrator/Treasurer must carry out his or her duties in accordance with policies established by the Common Council and under the supervision of the Mayor. To this end, the City Administrator/Treasurer shall have the following powers and duties:
- (1) Carry out all actions and directives of the Common Council which require administrative implementation or where the Mayor and/or Common Council have so directed.
  - (2) Direct, coordinate and expedite the activities of all City departments, except where such authority is vested by Wisconsin Statute or Municipal Code in boards, commissions or City officers.
  - (3) Develop budgeting procedures, oversee preparation and administer the annual operating and capital budgets in accordance with such guidelines as may be provided by the Common Council and in coordination with all department heads, and the Mayor.
  - (4) Supervise the purchase of all materials, supplies and equipment for which funds are provided in the budget, let contracts necessary for operation or maintenance of City services for amounts up to and including Five Thousand Dollars (\$5,000.00); receive bids or proposals for purchases or contracts in excess of Five Thousand Dollars (\$5,000.00) for presentation to the Common Council for approval unless the taking of bids is waived by the Council.
  - (5) Report regularly to the Mayor and Common Council on the current financial condition and future needs of the City; research the availability of alternate sources of funding for local programs and advise the Council of methods of procuring such funds.
  - (6) Perform the duties of personnel director, participating with department heads in the employment, training and evaluation of all City personnel; recommend salary and wage rates for employees not covered by collective bargaining agreements; direct all labor negotiations for the City.
  - (7) Prepare analytical reports and recommendations for the Mayor, the Common Council and advisory boards and commissions on operational or policy matters before them and on any other actions necessary to improve the overall health, safety and welfare of the City of Cedarburg.
  - (8) Performing those duties of the Treasurer required by Sec. 62.09(9) of the Wisconsin Statutes and for performing the duties of Comptroller as set for in Sec. 62.09(10), Wis. Stats. the Administrator/Treasurer shall supervise the following duties:
    - a. Perform recordkeeping, billing, collections, banking, investments, accounting and financial reporting of all City operations;
    - b. Develop and implement internal control and financial reporting procedures as necessary or as requested;
    - c. Collect all taxes for the City and other taxing bodies;
    - d. Invest idle funds for maximum interest earning;
    - e. Prepare monthly receipts and disbursements report;
    - f. Maintain payroll records and prepare payroll checks from approved employee time sheets;
    - g. Prepare check vouchers for payment of approved claims for signature of the Mayor and City Clerk;

- h. Prepare financial and bank statements;
  - i. Issue purchase orders;
  - j. Maintain fiscal records for the City;
- (d) **Bond.** The City Administrator/Treasurer shall execute to the City a surety company fidelity bond in the amount of Fifty Thousand Dollars (\$50,000.00) for the Comptroller/Treasurer.

State Law Reference: Sec. 62.09(9); 62.09(10), Wis. Stats.

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

- (a) **Appointment.** The City Clerk shall be appointed by the Mayor upon recommendation of the City Administrator subject to confirmation by the Council.
- (b) **Duties.** The City Clerk shall be responsible for performing those duties required by Sec. 62.09(11) of the Wisconsin Statutes and for the following additional duties:
  - (1) Perform all election duties as required by Wisconsin Statutes and keep and maintain all election records and all property used in conjunction with holding of elections;
  - (2) Publish all legal notices unless otherwise provided, file and preserve all contracts, bonds, oaths of office and other documents not required to be filed elsewhere;
  - (3) Issue all licenses required by ordinance or statute, except as otherwise provided;
  - (4) Prepare the tax roll and tax notices required by the State of Wisconsin;
  - (5) Attend meetings, take minutes and maintain files for the Common Council and such other official boards and commissions as may be directed;
  - (6) Maintain a file on all City records, ordinances, resolutions and vouchers;
  - (7) Type and distribute reports for the Council and for federal and state agencies;
  - (8) Audit and obtain approval on claims charged against the City;
  - (9) Assist the City Assessor in maintaining property assessment records;
  - (10) Administer oaths and affirmations;
  - (11) Issue licenses to various vendors in City;
  - (12) Perform other duties as may be required by the City Administrator.
- (c) **Bond.** The City Clerk shall execute to the City a surety company fidelity bond in the amount of Fifty Thousand Dollars (\$50,000.00) for the Clerk.

State Law Reference: Sec. 62.09(11), Wis. Stats.

~~**SEC. 2-3-5 CITY COMPTROLLER/TREASURER**~~ (Charter Ord. 95-48) (Charter Ord. 97-25)  
(Charter Ord. 2004-31) (Section 2-3-5 deleted per Charter Ord. 2007-07)

#### **SEC. 2-3-6 CITY ATTORNEY.**

- (a) **Appointment.** The City Attorney shall be appointed by the Mayor upon recommendation of the City Administrator, subject to confirmation by the Council.

- (b) **Duties.** The City Attorney shall have the following duties:
- (1) The City Attorney shall conduct all of the law business in which the City is interested.
  - (2) He shall, when requested by City officers, give written legal opinions, which shall be filed with the Clerk.
  - (3) He shall draft ordinances, resolutions and other instruments as may be required by City officers.
  - (4) He shall examine the tax and assessment rolls and other tax proceedings and advise the proper City officers in regard thereto.
  - (5) He shall keep a docket of all actions in courts of record to which the City a party.
  - (6) The Council may employ and compensate special counsel to assist in or take charge of any matter in which the City is interested.
  - (7) The City Attorney shall perform such other duties as provided by State law and as designated by the Common Council and City Administrator.
  - (8) All papers prepared by the City Attorney, copies thereof, correspondence received by him, copies of letters and all papers and materials of every nature and description which come to him as City Attorney shall be the property of the City of Cedarburg and shall be turned over by the City Attorney to his successor in office.

State Law Reference: Sec. 62.09(12), Wis. Stats.

#### **SEC. 2-3-7 CHIEF OF POLICE.**

- (a) **Appointment.** The Chief of Police shall be appointed by the Police and Fire Commission pursuant to State law.
- (b) **General Duties.** The Chief of Police shall:
- (1) Have command of the Police Department of the City under direction of the Mayor. He shall have general administration and control of the Department and shall be responsible for the Department's government, efficiency and good conduct. He shall perform all duties prescribed to him by of the State and the Ordinances of the City.
  - (2) Cause the public peace to be preserved and shall arrest with or without process and with reasonable diligence take before the proper court every person found in the City engaged in any disturbance of the peace or violating any law or regulation of the State or Ordinance of the City. The Chief shall cooperate with other law enforcement officers in the arrest or apprehension of persons charged with crime.
  - (3) Have technical independence in administering the activities of the Department and is responsible for internal policy and control. General administrative supervision and direction is received from the City Administrator and the Police and Fire Commission.
  - (4) Reside within the corporate limits of the City of Cedarburg within one (1) year of appointment to the position. (Ord. 99-05)

State Law Reference: Sec. 62.13, Wis. Stats.

#### **SEC. 2-3-8 FIRE CHIEF.**

- (a) **Appointment.** The Fire Chief shall be appointed by the Police and Fire Commission pursuant to Sec. 62.13(3), Wis. Stats. The Police and Fire Commission shall take into consideration the recommendation of the members of the Fire Department when appointing a Fire Chief. The Fire Chief may receive a salary to be determined by the Common Council. The subordinate officers and members of said Fire Department shall be volunteers and shall receive no compensation, although they shall be considered as public officers and employees for purposes of liability insurance coverage under Sec. 895.46, Wis. Stats.
- (b) **Duties and Powers.** The Chief shall have general supervision of the Fire Department. He shall be present at fires and command all firefighting operations. He shall enforce or cause to be enforced all fire prevention ordinances, laws and regulations of the City and State. The Fire Chief may make such further rules, regulations and policies for the government of the Fire Department as he may deem necessary, provided such rules and regulations shall not be inconsistent with the laws of the State of Wisconsin.
- (c) **Reports of Chief.** The Fire Chief shall report to the Common Council from time to time at his discretion or upon the request of said Common Council on matters concerning departmental matters and shall perform such other duties in conformance with his office as may, from time to time, be required of him by the Common Council.
- (d) **Disciplinary Authority.** The Chief shall have the disciplinary power to suspend any officer or member for neglect or refusal to perform his departmental duty, subject to the right of such suspended officer or member to public hearing thereon before the Board of Police and Fire Commissioners pursuant to law.

State Law Reference: Sec. 62.13, Wis. Stats.

## SEC. 2-3-9 ASSESSOR

- (a) The City of Cedarburg hereby elects not to be governed by those portions of Sec. 62.09(3)(b) of the Wisconsin Statutes relating to the method of selection of the City Assessor which are in conflict with this Section. The City Assessor shall be appointed by the Mayor upon recommendation of the City Administrator, subject to confirmation by the Council.
- (b) The Assessor shall have those duties and responsibilities as provided by State law.
- (c) Confidentiality of Assessment information. Whenever the assessor in the performance of the assessor's duties requests or obtains income and expense information pursuant to Wis. Stats. 70.47(7)(af) or any successor statute thereto, such income and expense information that is provided to the assessor shall be held by the assessor on a confidential basis except, however, the information may be revealed to and used by persons:
  - (1) in the discharging of duties imposed by law,
  - (2) 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
  - (3) pursuant to a court order. Income and expense information provided to the assessor under Wis. Stats. 70.47(7)(af) unless a court determines it is inaccurate is in accordance with Wis. Stats. 70.47(7)(af) not subject to the right of inspection and copying under Wis. Stats. 19.35(1). (2000-02)

State Law Reference: Public Officials' oaths and bonds, Sec. 19.01, Wis. Stats.; corporation as assessor, Sec. 62.09(1)(c), Wis. Stats.; affidavit of assessor, Sec. 70.49, Wis. Stats.; assessor certification, Sec. 73.02, Wis. Stats.; assessors in cities, Sec. 70.05, Wis. Stats.; confidentiality, Sec. 70.47(7)(af), Wis. Stats.

#### **SEC. 2-3-10 HEALTH OFFICER.**

- (a) **Selection.** The Common Council, upon recommendation of the City Administrator, shall appoint a Health Officer, subject to majority approval. Such Health Officer shall be a physician or, in lieu thereof, a person with training and experience in public health administration which shall meet training and experience requirements established by the State Department of Health and Social Services. If the Health Officer is not a physician, the Common Council shall arrange for and provide in addition such services of a physician as may be necessary on either a part-time or full-time basis and provide reasonable compensation therefor.
- (b) **Vacancy.** If a vacancy in the position of Health Officer occurs, the Common Council shall immediately fill the position.
- (c) **Responsibilities.**
  - (1) The Health Officer shall provide such additional rules and regulations as are necessary for the preservation of health, to prevent the spread of communicable diseases, to cause the removal of all objects detrimental to health and to enforce the health laws. All proposed rules and regulations shall be reported to the Common Council by the Health Officer, and if the Council approves the same by a vote of a majority of its members, they shall have the force and effect of ordinances, including penalty for violation.
  - (2) The Health Officer shall, from time to time, recommend to the Common Council such sanitary measures to be executed by the City as seem necessary and shall discharge such other duties as may be imposed upon by the Council by ordinance or resolution.
  - (3) An Assistant Health Officer(s) may be appointed pursuant to Sec. 141.02(4), Wis. Stats.

State Law Reference: Sec. 141.015 and Chapter 143, Wis. Stats.; Chapter HSS 139.05, Wis. Adm. Code.

#### **SEC. 2-3-11 DIRECTOR OF ENGINEERING & PUBLIC WORKS.**

- (a) **Appointment.** The Director of Engineering & Public Works shall be appointed by the Mayor upon the recommendation of the City Administrator, subject to confirmation by the Common Council. He shall be a civil engineer. (Ord. 95-49)
- (b) **Duties.**
  - (1) He shall perform all ordinary and necessary engineering work for the City such as establishing grades and lines for walks and streets, surveying work, establishing elevations for sewer and water mains, etc.

- (2) He shall provide necessary technical and engineering support to the various, departments and divisions of the City.
- (3) In the event, however, that the City undertakes extensive or specialized improvements requiring additional engineering work and superintendence, the City Administrator may employ an engineer on a per diem or contract basis to perform such work, subject to the approval of the Mayor and the Common Council.
- (4) He shall perform such other duties of City Engineer as set forth in Sec. 62.14(7), Wis. Stats. (Ord. 95-49)
- (5) He shall have general supervision of the Division of Public Works. (Ord. 95-49)

State Law Reference: Sec. 62.14(7), Wis. Stats.

### **SEC. 2-3-12 WEED COMMISSIONER.**

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

State Law Reference: Section 66.0513, Wis. Stats.

### **SEC. 2-3-13 ELIGIBILITY FOR OFFICE.**

- (a) No person shall be elected by the people to a City office who is not, at the time of his election, a citizen of the United States and of this State and an elector of the City and, in case of a ward office, of the ward and actually residing therein.
- (b) An appointee by the Mayor, requiring to be confirmed by the Council, who shall be rejected by the Council, shall be ineligible for appointment to the same office for one (1) year thereafter.
- (c) No member of the Common Council shall, during the term for which he is elected, be eligible for any office or position which, during such term, has been created by, or the selection to which is vested in, the Council, provided that Council Members may represent the City on boards or commissions where no additional remuneration is paid, except as otherwise provided by the laws of the State of Wisconsin.

State Law Reference: Sec. 62.09(2), Wis. Stats.

### **SEC. 2-3-14 CUSTODY OF OFFICIAL PROPERTY.**

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

State Law Reference: Sec. 19.21, Wis. Stats.

### **SEC. 2-3-15 OATH OF OFFICE; BONDS OF OFFICERS.**

- (a) **Oath.** Every person elected or appointed to any statutory office or the Police and Fire Commission shall take and file his official oath within ten (10) days after the notice of his election or appointment.
- (b) **Bonds.** The Treasurer, Clerk and such other statutory officers as the laws of Wisconsin or the Common Council may direct shall execute and file an official bond in such form as the Council may determine. The Council may at any time require new or additional bonds of any officer. All official bonds must be approved by the Mayor and, when so approved, then be filed within ten (10) days after the officer executing the same shall have been notified of his election or appointment. Official bonds shall be filed with the City Clerk and shall be recorded by him in a book kept by him for that purpose.

### **SEC. 2-3-16 COMBINATION OF APPOINTIVE OFFICES.**

More than one (1) appointive office may be held by the same person when such offices, as so combined, are deemed compatible by the Mayor and Common Council. In the event of consolidation of statutory offices, a charter ordinance shall be required.

### **SEC. 2-3-17 RULE MAKING AUTHORITY.**

- (a) **Authorization for Department Heads.** Heads of departments of the City including, without limitation by enumeration, the City Administrator, the Chief of Police, Director of Engineering and Public Works, the Fire Chief, the City Clerk and City Treasurer may make rules, regulations or directives for the administration of their departments, but not for the conduct of the general public.
- (b) **Approval of Rules.** Except where such authority is specifically vested with other officers, any proposed departmental rule, regulation or directive other than those proposed by the Police or Fire Department shall be referred to the City Administrator for review. Within fifteen (15) days of formal presentation to the City Administrator, the City Administrator shall either forward the proposed rule along with recommendations to the Mayor for review, or return the proposed rule to the department along with suggested revisions. Any rule, or any part thereof, returned by the City Administrator to the department head shall be deemed to be unacceptable and not in force.
- (c) **Time of Taking Effect** All proposed rules, regulations or directives shall be effective thirty (30) calendar days after presentation to the City Administrator, unless returned by either the city Administrator or the Mayor, or the Common Council acts by resolution to nullify such rule. In emergency situations requiring immediate action, rules may become effective immediately; but all rules so enacted shall be reported to the City Administrator, the Council and the Mayor within twenty-four (24) hours, with the reasons for the necessity of immediate implementation. All emergency rules are temporary in nature and must be formally presented as required in Subsection (b) to become permanent rules.

## CHAPTER 4

### Boards, Commissions and Committees

2-4-1	Board of Review
2-4-2	Public Works Commission
2-4-3	Library Board
2-4-4	Board of Appeals
2-4-5	City Plan Commission
2-4-6	Parks, Recreation and Forestry Board (Ord. 2010-04)
2-4-7	Design Review Board
2-4-8	Light and Water Commission
2-4-9	Police and Fire Commission
2-4-10	Landmarks Commission
2-4-11	(Reserved for Future)
2-4-12	Sewerage Commission
2-4-13	(Reserved for Future)
2-4-14	Committee of the Whole
2-4-15	Personnel Committee
2-4-16	(Reserved for Future)
2-4-17	Community Pool Commission (Ord. 2010-03)
2-4-18	Economic Development Board (Ord. 2001-05)
2-4-19	Public Art Committee (Ord. 2003-43)
2-4-20	General Provisions Regarding Meetings and Public Notice

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

- (a) **Composition.** The Board of Review shall consist of five (5) residents of the City. Such citizen members shall be annually appointed by the Mayor subject to confirmation by the Common Council for terms of five (5) years, one (1) member to be appointed annually. One alternate member of the Board of Review shall be appointed by the Mayor subject to the confirmation by the Common Council for a term of five (5) years. Alternate members shall act with full authority when a member of the Board of Review or other alternate member is absent or abstains from voting because of a conflict of interest. No member may also occupy any public office or be publicly employed. Members of the Board of Review shall not be compensated for their service but may be reimbursed for authorized expenses incurred in the performance of their duties. The City Clerk shall serve as secretary of the Board of Review. (Ord. 2000-02)
- (b) **Certification.** One member of the Board of Review shall have completed Board of Review Training provided by the Department of Revenue. The City Clerk shall provide an affidavit to the Department of Revenue stating the training requirement has been fulfilled according to Wis. Stats. 70.46(4) and 73.03(55). (Ord. 2000-02)
- (c) **Duties.** The duties and functions of the Board of Review shall be as prescribed in Sections 70.46 and 70.47, Wis. Stats.

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

State Law Reference: Sections 70.46; 70.47; and 73.03(55), Wis. Stats.

**SEC. 2-4-2 PUBLIC WORKS COMMISSION.** (Ord. 93-09) (Ord. 99-22)

- (a) **Composition.** The Public Works Commission shall consist of one (1) Council Member, the Mayor and five (5) citizen members. The members of the Commission shall be appointed by the Mayor at the regular organizational meeting in April of each year subject to confirmation by the Common Council. (Ord. 99-22)
- (b) **Terms.** The term of office of the Council Member shall be one (1) year. The term of each citizen member shall be two (2) years ending April 30. (Ord. 93-09)
- (c) **Organization.** The Mayor shall serve as the chairperson of the Public Works Commission. The City Clerk or designee shall be the secretary of the Commission. (Ord. 99-22)
- (d) **Powers and Duties.** The members of the Public Works Commission shall:
1. Act in an advisory capacity to the Common Council regarding the operations of the Department of Public Works;
  2. Qualify and have the duties and powers prescribed by the Wisconsin Statutes and the City's Code of Ordinances;
  3. Oversee the planning and operations of the City cemeteries including the review and recommendation of an annual cemetery budget, management of the cemetery funds and the establishment of burial rates;
  4. Oversee the stormwater management program of the City of Cedarburg including implementation of stormwater-related ordinances and plans;
  5. Serve in an advisory capacity to the Common Council in all matters relating to the ongoing maintenance and use of the Joint Disposal Site. (Ord. 96-18) (Ord. 99-22)

State Law Reference: Sec. 62.14, Wis. Stats.

**SEC. 2-4-3 LIBRARY BOARD.**

- (a) **Library System**
- (1) The City hereby creates and establishes a Library Board for the purpose of operating a public library at W63 N583 Hanover Avenue, Cedarburg, Wisconsin, or at such other location as is hereafter determined for the use by residents of the City and others.
- (b) **Library Board; Compensation**
- (1) The Library Board shall have all the powers provided in Sec. 43.58, Wis. Stats., and any other applicable Wisconsin Statute including, but not limited to, exclusive control of the expenditure of all moneys collected, donated or appropriated for the library fund relating to libraries.
  - (2) The Library Board shall consist of seven (7) members, all of whom shall be residents

of the City of Cedarburg and shall be appointed by the Mayor of the City, subject to confirmation by the Common Council of the City.

- (3) The seven (7) member Board shall be divided into three (3) classes. Initially, three (3) members shall serve for three (3) years, two (2) members shall serve for two (2) years and two (2) members shall serve for one (1) year, ending April 30. The Mayor shall appoint one (1) of the administrators of the Cedarburg Public Schools, or his designate, as one of the members of the Board, subject to confirmation by the Common Council of the City.
- (4) Appointments to the Board shall be made as soon as practical after approval of this ordinance. The initial appointees shall all serve interim terms of office expiring April 30, 2010, at which time the three (3) year, two (2) year and one (1) year terms set forth above shall commence.
- (5) Not more than one (1) member of the Common Council shall at any one time be a member of the Board.
- (6) Vacancies on the Board shall be filled by appointment for any unexpired term by the Common Council in the same manner as original appointments are made.
- (c) **Quorum.** A majority of the members of the Board shall constitute a quorum.
- (d) **Organization.** As soon as practicable after the initial appointments are made, the members of the Board shall organize and elect a President, Vice President, Secretary and such other officers as they deem necessary. The President and Vice President shall be members of the Library Board, but other officers need not be members.
- (e) **Compensation.** No compensation shall be paid to members of the Library Board for their services, but they may be reimbursed for actual and necessary expenses incurred if so authorized by the Board.
- (f) **Employees.** The Board shall appoint a Library Director. The Library Director shall appoint such other librarians, assistants and employees as it deems necessary by the Board and shall prescribe their duties and compensation. The Library Director and such other librarians, assistants and employees appointed by the Board shall be considered and treated as employees of the City for tax withholding purposes. Said employees shall also be entitled to such fringe benefits as are provided other full and permanent part-time employees of the City, including group life and health insurance and FICA and state pension fund contributions.
- (g) **Budget.** The Library Director shall prepare and submit to the Library Board a draft budget. The Library Board shall submit to the Common Council a budget to cover the Board's income and expenses for the following calendar year. Such budget shall be in the form prescribed by Sec. 65.90, Wis. Stats., in respect to municipal budgets. No expenditures shall be made until the budget has been approved by the Common Council. No expenditure shall be made or contracted for by the Board or any employee thereof except as authorized by such budget.
- (h) **Rules.** The Library Board may establish and make public rules and regulation governing the use of facilities operated by the Board pursuant to Sec. 43.52, Wis. Stats. The Board may, in its discretion, discontinue library privileges to any person who violates the rules and regulations adopted and published by the Board.
- (i) **Legal Status of Board.** The Library Board created by this Section shall not be considered a separate legal entity for any purpose.

- (j) **Finances.** In its exercise of the powers and duties set forth in Sec. 43.58, Wis. Stats., the Board shall designate the Treasurer of the City to pay all expenditures approved by the Board and to receive all Board receipts. Said Treasurer may commingle Board funds with other funds of the City but shall keep separate records of all Board receipts and expenditures. The City shall keep complete and accurate records of all receipts and expenditures of the Library Board.

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

### **(a) Establishment**

- (1) A Board of Appeals shall be appointed as specified in Sec. 62.23(7)(e) of the Wisconsin Statutes. The Board of Appeals shall consist of five (5) members, appointed by the Mayor, subject to confirmation by the Common Council. The members shall be removable by the Common Council for cause upon written charges and upon public hearing. The Mayor shall designate one of the members chairman. Terms shall be staggered three (3) year periods.
- (2) Two (2) alternate members may be appointed by the Mayor for a term of three (3) years. Annually, the Mayor shall designate one (1) of the alternate members as first alternate and the other as second alternate. The first alternate shall act, with full power, only when a member of the Board refuses to vote because of interest or when a member is absent. The second alternate shall so act only when the first alternate so refuses or is absent or when more than one (1) member of the Board so refuses or is absent. Terms for alternate members shall be as stated in this Section.
- (3) The Secretary shall be the City Clerk. The Zoning Administrator, Fire Inspector and/or Building Inspector, as the case requires, shall attend all meetings for which the agenda includes matters within his/their jurisdiction for the purpose of providing technical assistance when requested by the Board.
- (4) Official oaths shall be taken by all members in accordance with Sec. 19.01 of the Wisconsin Statutes within ten (10) days of receiving notice of their appointment.
- (5) Vacancies shall be filled for the unexpired term in the same manner as appointments for a full term.

### **(b) Powers.** The Board of Appeals shall have the following powers in addition to those found elsewhere in this Code of Ordinances:

- (1) To hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination made by an administrative official in the enforcement of the City's zoning, building and fire codes.
- (2) To authorize, upon appeal in specific cases, such variance from the terms of the City's zoning code regulations as will not be contrary to the public interest, where owing to special conditions, a literal enforcement will result in practical difficulty or unnecessary hardship, so that the spirit of the zoning code shall be observed, public safety and welfare secured and substantial justice done; provided, however, that no such action shall have the effect of establishing in any district a use or uses not permitted in such district.
- (3) To authorize, upon appeal in specific cases, variances from the terms of the City's building and fire code for remodeling and alterations of existing one (1) and two (2) family structures if the variance to a specific requirement of said code does not result in lowering the level of health, safety and welfare established or intended by the requirement.
- (4) To authorize, upon appeal in specific cases, variances from the terms of the City's fire code if the variance to a specific requirement of said code does not result in lowering the level of health, safety and welfare established or intended by the requirement.

- (5) To permit the erection and use of a building or premises in any location subject to appropriate conditions and safeguards in harmony with the general purposes of the zoning code, for such purposes which are reasonably necessary for public convenience and welfare.
- (6) The Board of Appeals may reverse or affirm wholly or in part or may modify any order, requirement, decision or determination as in its opinion ought to be made regarding the premises. The concurring vote of four (4) members of the Board of Appeals shall be necessary to reverse any order, requirement, decision or determination appealed from or to decide in favor of the applicant on any matter on which it is required to pass, or to effect any variation in the requirements of the City's zoning, building or fire codes. The grounds of every such determination shall be stated and recorded. No order of the Board of Appeals granting a variance shall be valid for a period longer than six (6) months from the date of such order unless a permit is obtained within such period and the erection or alteration of a building is started or the use is commenced within such.
- (c) **Meetings and Rules.** All meetings of the Board of Appeals shall be held at the call of the chairman and at such other times as the Board may determine. All hearings conducted by the said Board shall be open to the public. The Board of Appeals shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examination and other official actions, all of which shall be immediately filed in the office of the City Clerk and shall be a public record. The Board shall adopt its own rules of procedure not in conflict with this Section or with applicable Wisconsin Statutes.
- (d) **Appropriations.** The Common Council shall appropriate funds to carry out the duties of the Board of Appeals and the Board shall have the authority to expend, under regular procedures, all sums appropriated to it for the purpose and activities authorized herein.
- (e) **Assistance.** The Board may request assistance from other City officers, departments, commissions and boards.
- (f) **Oaths.** The chairman may administer oaths and compel the attendance of witnesses.

State Law Reference: Sec. 62.23(7), Wis. Stats.

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

- (a) **Composition.** The Plan Commission shall consist of seven (7) voting members as follows: The Mayor, one (1) Council Member, Chairperson of the Park and Forestry Board and four (4) citizens.
- (b) **Appointment.**
  - (1) Election/Appointment of Council Members. At its annual meeting in April of each year the Common Council shall, by a two-thirds (2/3) vote of its members, elect one (1) of its number as member of the City Plan Commission for a period of one (1) year from and after the first day of May next ensuing.
  - (2) Appointment and Terms of Citizen Members. The Chairperson of the Park and Forestry Board shall have a one (1) year term. The four (4) citizen members shall be appointed by the Mayor and confirmed by the Common Council to hold office for a

period ending respectively one (1), two (2) and three (3) years thereafter from the succeeding first of May. Annually during April, members shall be appointed for a term of three [3] years.

(c) **Organization of Commission.** The Mayor shall serve as presiding officer. The Plan Commission shall organize by the election of a vice-chairman, secretary and such other officers as may in their judgment be necessary. The Plan Commission shall receive such compensation as determined by the Common Council.

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

(e) **Duties.**

(1) The Master Plan. (see Sec. 13-1-240(b)(99))

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

b. The Commission may adopt the master plan as a whole by a single resolution, or, as the work of making the whole master plan progresses, may from time to time by resolution adopt a part or parts thereof, any such part to correspond generally with one (1) or more of the functional subdivisions of the subject matter of the plan. The adoption of the plan or any part, amendment or addition, shall be by resolution carried by the affirmative votes of not less than a majority of all the members of the Plan Commission, subject to confirmation by the Common Council. The resolution shall refer expressly to the maps, descriptive matter, and other matters intended by the Commission to form the whole or any part of the plan, and the action taken shall be recorded on the adopted plan or part thereof by the identifying signature of the secretary of the Commission, and a copy Of the plan or part thereof shall be certified to the Common Council. The purpose and effect of the adoption and certifying of the master plan or part thereof shall be solely to aid the Plan Commission and the Common Council in the performance of

their duties.

- (2) **Mandatory Referrals to Commission.** The Common Council or officer of the City having final authority thereon shall refer to the Plan Commission, for its consideration and report before final action is taken by the Council, public body or officer, the following matters: the location of any statue or other memorial; the location, acceptance, extension, alteration, vacation, abandonment, change of use, sale, acquisition of land for or lease of land for any street, alley or other public ways, park, playground, airport, area for parking vehicles, or other memorial or public grounds; the location, extension, abandonment or authorization for any public utility whether publicly or privately owned; all plats of lands in the City or within the territory over which the City is given platting jurisdiction by Chapter 236, Wis. Stats.; the location, character and extent or acquisition, leasing or sale of lands for public or semi-public housing, slum clearance, relief of congestion, or vacation camps for children; and the amendment or repeal of any land use ordinance. Unless such report from the Commission is made within thirty (30) days, or such longer period as may be stipulated by the Common Council, the Council or other public body or officer may take final action without it.
- (3) **Miscellaneous Powers.** The Commission may make reports and recommendations relating to the plan and development of the City to public officials and agencies, public utility companies, civic, educational, professional and other organizations and citizens. It may recommend to the Common Council programs for public improvements. All public officials shall, upon request, furnish to the Commission, within a reasonable time, such available information as it may require for its work. The Commission, its members and employees, in the performance of its functions, may enter upon any land, make examinations and surveys, and place and maintain necessary monuments and markers thereon. In general, the Commission shall have such powers as may be necessary to enable it to perform its functions and promote municipal planning in cooperation with the Common Council.
- (f) **Vacancies.** Vacancies shall be filled by appointment for the remainder of the unexpired term in the same manner as appointment for the full term.
- (g) **Compensation.** No compensation shall be paid for service on the Commission. Citizen members shall take the official oath as required by Sec. 19.01, Wis. Stats., said oath to be filed with the City Clerk.

NOTE: Pursuant to Sec. 66.01(2)(b), Wis. Stats., the Common Council of the City of Cedarburg, in adopting this Section, elects that Sec. 62.23(1)(a), Wis. Stats., shall not apply to the City of Cedarburg insofar as such statutory section designates the Director of Engineering & Public Works as a voting member of the City Plan Commission.

**SEC. 2-4-6 PARKS, RECREATION AND FORESTRY BOARD.** (Ord. 93-07) (Ord. 93-30)  
(Ord. 2010-03)

- (a) **Membership.** The Parks, Recreation and Forestry Board shall consist of one (1) Council Member and six (6) citizens of the City of Cedarburg who shall be appointed by the Mayor, subject to confirmation by the Common Council. At least two members shall be senior

adults. The Parks, Recreation and Forestry Board and the Community Pool Commission will have one (1) Council Member in Common.

- (b) **Term.** The term of office of all citizen members shall be two (2) years with half of the citizen members' terms expiring each year. The term of each citizen member shall commence on May 1 in the year of appointment and end April 30 in the year of expiration.
- (c) **Officers and Meetings.** The Parks, Recreation and Forestry Board shall elect one (1) member as Chairman who, by virtue of said office, shall also serve as a member of the City Plan Commission. The Board shall meet on such dates and such times as the Board may establish.
- (d) **Powers and Duties.** The Parks, Recreation and Forestry Board shall act in an advisory capacity to the Common Council regarding the duties set forth below:
  - (1) Oversee the planning, development and maintenance of all public parks and open spaces, park buildings and facilities, playgrounds, ice rinks and other similar public property in the City of Cedarburg.
  - (2) Review and recommend budget proposals and monitor expenditures under adopted operating and capital improvement budgets.
  - (3) Adopt such policies and regulations as deemed advisable for the protection and enjoyment of public parks under its jurisdiction and, when appropriate, shall recommend enactment of such ordinances to the Common Council.
  - (4) Coordinate with the Public Works Commission, Plan Commission, Community Pool Commission and other advisory groups on all matters of mutual concern.
  - (5) Function as a Tree Board and develop and administer a comprehensive city tree management program with the aid of the City forester in accordance with Title 6, Chapter 4 of the Code of Ordinances of the City of Cedarburg and Policy PW-4, Street Tree Planting Policy.
  - (6) Unless otherwise provided, the Board shall perform all other duties as specified in Sec. 27.08(2) of the Wisconsin Statutes.
  - (7) Oversee the planning, scheduling, and staffing of youth, adult, and senior recreation programs as carried out by the Parks, Recreation and Forestry Director and Senior Center Director.
  - (8) Coordinate and enhance leisure activities offered to all groups.
  - (9) Adopt such policies, regulations, and user fees as necessary to govern the organization and conduct of leisure programs and activities and, when appropriate, shall recommend enactment of such ordinances to the Common Council.

State Law References: Sec. 27.08, 27.09, Wis. Stats.

## **SEC. 2-4-7 DESIGN REVIEW BOARD.**

- (a) **Composition.** The Mayor shall appoint, subject to Common Council confirmation, five (5) individuals who, by occupation, past experience or training, are deemed qualified to serve on the Design Review Board. At least four (4) of the members shall be residents of the City of Cedarburg. The fifth (5th) member may be either a City resident or business owner in the City of Cedarburg. Appointments shall be made for terms of two (2) years with the exception that the Council Member shall have a term of one (1) year. Up to two alternate members of

the Design Review Board shall be appointed by the Mayor, subject to Common Council confirmation, for a period of two (2) years. Annually, the Mayor shall designate one (1) of the alternate members as first alternate and the other as second alternate. The first alternate shall act, with full authority, only when a member of the Board refuses to vote because of interest or when a member is absent. The second alternate shall so act only when the first alternate so refuses or is absent or when more than one (1) member of the Board so refuses or is absent. The Design Review Board shall examine all applications for the erection of signs, recommend permits, denials or continued use of signs which conform with requirements of the Sign Code found in Title 13 of this Code of Ordinances to the Building Inspector or his authorized agent. The Design Review Board shall meet not less than twice a month.

(Ord. 2006-29)

- (b) **Officers.** The Design Review Board shall annually elect a chairman and a secretary.

## **SEC. 2-4-8 LIGHT AND WATER COMMISSION.**

(a) **Composition.**

- (1) The Light and Water Commission shall consist of seven (7) Commissioners whose duty it shall be to take entire charge and management of the City's electric light and water works system, and to supervise the operation thereof, subject to the general control and supervise of the Common Council.
- (2) The Commissioners shall be nonpartisan and members shall be nominated by the Mayor and elected by the Common Council for a term beginning on October 1st which shall be three (3) years, with one-third of the citizen members' terms expiring each year on September 30, and except that the term of any Council Member appointed to the Commission shall be one (1) year. In the case of a vacancy on the Commission, a replacement commissioner may be elected by the foregoing procedure to fill the vacancy for the remainder of the term. (Ord. 2001-06)
- (3) The Mayor shall be an ex officio member of said Commission, but shall have no vote.

(b) **Internal Organization.**

- (1) Officers. The members of the Light and Water Commission shall, in the month of October of each year, select from among its members a Chairman and secretary. The Chairman shall conduct the meetings of the Light and Water Commission and otherwise supervise such meetings. The secretary shall keep a record of the proceedings of the Commission and shall cause such record to be filed with the City Clerk
- (2) Meetings. The Light and Water Commission shall hold regular monthly meetings and such special meetings as are called by the Chairman or by a majority of the members of the Commission as may be deemed necessary. Four (4) members of the Commission shall constitute a quorum for the action of business.

(c) **Duties and Powers.**

- (1) Subject to the general control and supervision of the Common Council, the Light and Water Commission shall take charge and management of the water and electric utilities of the City of Cedarburg and shall supervise the operation of said utilities

- (2) In addition to the power and authority herein specifically enumerated, said Commission shall have the authority prescribed by Sec. 66.068, Wis. Stats., excepting paragraph (4) thereof, and by all other provisions of the Wisconsin Statutes applicable thereto.
- (3) The Commission shall make rules for their own proceedings and for the government of their department. It shall appoint a utility manager and shall engage necessary employees and fix their compensation.
- (d) **Accounts.**
  - (1) Manner and Form. It shall be the duty of the Light and Water Commission to have books of account kept in the manner and form prescribed for utilities of its class by the Public Service Commission of the State of Wisconsin. Such books of accounts shall be open to the public.
  - (2) Receipts. The receipts of the public utilities shall be deposited in an official depository approved by the Commission. The cashier shall make and file his financial report of such utilities each month with the Commission.
  - (3) Transfer of Funds. No funds of said municipally owned utilities shall, in any case, be transferred to the City Treasury for use of the City, except in accordance with the provisions of Sec. 66.069(1)(c), Wis. Stats.
  - (4) Excess Funds. Any excess funds accumulated by said utility, unless deposited pursuant to law, and all funds in the depreciation or retirement reserves may be invested only according to the provisions of Sections 66.069(1)(c) or 66.047, Wis. Stats.
  - (5) Expenditures. Expenditures of the municipally owned utilities shall be audited by the Commission and, if approved, be paid from the utility accounts upon warrants signed by the Commission Chairman, City Clerk and Secretary of the Commission.

**SEC. 2-4-9 POLICE AND FIRE COMMISSION.**

The Police and Fire Commission shall consist of either five (5) citizens appointed pursuant to Sec. 62.13(1), Wis. Stats., or four (4) citizens appointed pursuant to Sec. 62.13(1), Wis. Stats., and one (1) Council Member, whose appointment shall be made by the Mayor and confirmed by the Common Council and whose term of office shall run concurrently with his current term of office as a Council Member. Provisions of the following Subsections of Sec. 62.13, Wis. Stats., shall apply to the City of Cedarburg: (3) Chiefs; (4) Subordinates: Reemployment; (5) Disciplinary Actions Subordinates; (5)(m) Dismissals and Reemployment; (7) Compensation; (7)(m) Rest Day; (7)(n) Hours of Labor; (8) Fire Department; (9)(a) Fourth Class Cities; (10)(m) Rules Governing Leaving City; (11) Firemen, Rest Day.

**SEC. 2-4-10 LANDMARKS COMMISSION.** (Ord. 92-15)

- (a) **Composition and Terms.** The Commission shall be composed of eight (8) members to be selected as follows: One (1) Council Member, and seven (7) qualified persons, at least six (6) of whom shall be residents of the City of Cedarburg. The seventh (7th) member may be either a City resident or the owner of property located within the Washington Avenue Historic District. Said persons shall be competent and informed in the historical,

architectural and cultural traditions of the community. They shall be appointed by the Mayor, subject to confirmation by the Common Council of the City of Cedarburg by majority vote. Members of the Commission shall be appointed for terms of three (3) years and may be reappointed for succeeding terms. A vacancy occurring in the membership for any cause shall be filled by a person appointed by the Mayor and confirmed by the Common Council for the unexpired term. The members of said Commission shall receive no compensation except for necessary expenses sustained in carrying out their duties, which expenses shall be paid by the City of Cedarburg as may be authorized by the Common Council.

(b) **Powers and Duties.**

- (1) Designation. The Commission shall have the power to designate landmarks, landmark sites and historic districts within the City limits of Cedarburg.
- (2) Other Duties. In addition to those duties already specified in this Section, the Commission shall:
  - a. Actively work for the passage of enabling legislation which would the granting of full or partial tax exemptions to properties it has designated under the provisions of this Section.
  - b. Work closely with the State of Wisconsin liaison officer and the Governor's liaison committee for the National Register of Historic Places of the United States National Park Service in attempting to include such properties hereunder designated as landmarks or landmark sites on the Federal Register.
  - c. Work for the continuing education of the citizens of Cedarburg about the historic heritage of this City and the landmarks and landmark sites designated under the provisions of this Section.

**SEC. 2-4-11 (Reserved for Future).**

**SEC. 2-4-12 SEWERAGE COMMISSION.** (Ord. 93-10)

- (a) **Membership.** The Commission shall consist of one (1) Council Member and six (6) citizen members to be appointed by the Mayor at the regular organizational meeting in April of each year subject to confirmation by the Common Council.
- (b) **Duties.** The Commission shall, under the general control and supervision of the Common Council, supervise, manage, maintain, plan, regulate in accordance with the general policies of the City and recommend an annual budget and the establishment of rates for the operation of the City Sanitary Sewage System. No money shall be drawn from the Sewerage funds of the City, nor shall any obligation for the expenditure of money be incurred, except in pursuance of the annual appropriation in the adopted budget or special appropriation made by the Common Council.
- (c) **Term.** The term of office of the Council Member shall be one (1) year. The term of each citizen member shall be two (2) years ending on April 30th with half of the citizen members' terms expiring each year.
- (d) **Requirements.**
  - (1) Sewerage Commission meetings are to be held on such dates and times as the Commission may establish.
  - (2) The Commission shall elect a chairperson and a secretary.

**SEC. 2-4-13 (Reserved for Future).**

**SEC. 2-4-14 COMMITTEE OF THE WHOLE** (Ord. 93-11)

- (a) **Membership.** The Common Council shall constitute the Committee of the Whole. The Mayor shall serve as Chairman. The City Clerk shall serve as secretary to the Committee.
- (b) **Duties.** The Committee of the Whole shall have the responsibility to review all financial and personnel matters pertaining to the operation of the City except in hearings where the Personnel Committee sits in a quasi-judicial role. The Common Council or City Administrator may refer any matter to the Committee of the Whole for deliberation and recommendation to the Common Council. The Committee of the Whole may also consider any matters referred by any members of the Common Council or commissions and boards. The Committee of the Whole shall have the power and authority to direct the City Administrator to conduct research, furnish facts, prepare reports and discharge business not requiring Common Council approval.
- (c) **Term.** The term of office shall run concurrent with the Mayor's and each Council Member's elected term of office.
- (d) **Subcommittees.** The Committee of the Whole shall be authorized to establish subcommittees to solicit community input and expertise on an ad hoc basis.
- (e) **Meetings.** The Committee shall meet on such dates and at such times as the Common Council may establish.

**SEC. 2-4-15 PERSONNEL COMMITTEE.** (Ord. 90-26) (Ord. 93-08)

- (a) **Membership.** The Personnel Committee shall consist of three (3) Council Members, one (1) of whom shall be the Council President, the other two Council Members to be appointed by the Mayor at the regular organizational meeting in April of each year subject to confirmation by the Common Council.
- (b) **Duties.** The Committee shall have the responsibility to review and make decisions on employee grievances as per union contract and the Personnel Code provisions which may be referred to the Committee or which the Committee deems to be necessary or advisable.
- (c) **Term.** The term of office shall be one (1) year.
- (d) **Requirements.**
  - (1) The Personnel Committee shall meet at the call of its chairman.
  - (2) The Council President shall serve as Chairman and one (1) member shall be selected to serve as secretary.

**SEC. 2-4-16 (RESERVED FOR FUTURE).**

**SEC. 2-4-17 COMMUNITY POOL COMMISSION.** (Ord. 93-12) (Ord. 98-11) (Ord. 99-07)(Ord. 2010-03)

- (a) **Membership.** The Community Pool Commission shall consist of one (1) Council Member, four (4) citizens of the City of Cedarburg and two (2) citizens of the Town of Cedarburg who shall be appointed by the Mayor, subject to confirmation by the Common Council. The

appointment of Town of Cedarburg citizens shall be made by the Town Board. In addition, two (2) alternate members shall be appointed. A citizen of the City of Cedarburg shall be appointed by the Mayor, subject to the confirmation by the Common Council, and a citizen of the Town of Cedarburg may be appointed by the Town Board, or if deferred, by the Mayor. (Ord. 98-11)

- (b) **Term.** The term of office of all citizen members shall be two (2) years with half of the citizen members' terms expiring each year. The alternate member appointed by the City will serve in the absence of a City member, and the alternate member appointed by the Town will serve in the absence of a Town member. If there is no alternate member present to fill the absence for the member representative of their community, a member from the other community shall serve. The term of each citizen member, including alternates, shall commence on May 1 in the year of appointment and end April 30 in the year of expiration. (Ord. 98-11)
- (c) **Officers and Meeting.** The Community Pool Commission shall elect one (1) member as Chairman and one (1) member as Vice Chairman. The Commission shall meet on such dates and at such times as the Board may establish.
- (d) **Powers and Duties.** The Community Pool Commission shall act in an advisory capacity to the Common Council regarding the below duties:
  - (1) Oversee the planning, scheduling, supervising and staffing of the Community Pool, as carried out by the Parks, Recreation & Forestry Director.  
(Ord. 97-03) (Ord. 99-07) (Ord. 2010-03)
  - (2) Coordinate and enhance Community Pool activities offered to all age groups.
  - (3) Adopt such policies, regulations and user fees as necessary to govern the organization and conduct of Community Pool programs and activities and, when appropriate, shall recommend enactment of such ordinances to the Common Council.
  - (4) Coordinate with the Parks, Recreation, and Forestry Board, the Public Works Commission and other advisory groups on all matters of mutual concern.
- (e) The Commission shall make an annual report to the Common Council and Town Board and shall make such other reports as the Common Council or Town Board from time to time requires.

**SEC. 2-4-18 ECONOMIC DEVELOPMENT BOARD.** (Ord. 2001-05)

- (a) **Purpose.** The Cedarburg Common Council has determined that planned economic development will enhance the City's tax base; moderate property taxes; provide a balanced economy; manage growth to assure compatibility among land uses; encourage retention and expansion of existing businesses; maintain or enhance the community's visual aesthetics and quality of life; provide necessary jobs; and protect and preserve natural resources and the environment.
- (b) **Membership.** The Economic Development Board shall consist of one (1) Council Member and no less than eight (8) other voting members (including the Chairman), not elected officials. The Chairman shall be appointed by the Mayor, subject to the confirmation of the Common Council. The Chairman shall also serve as a voting member of the Board. One aldermanic representative shall be appointed by the Mayor and serve as a voting member of the Board. Not more than two (2) of the voting members may be non-residents of the City

and these non-residents must be affiliated with businesses located within the City. Such appointees shall be appointed by the Mayor, subject to the confirmation of the Common Council, and have recognized experience and qualifications in the field of business, development, finance, marketing or other field that will be an asset to the administration of the City's economic development program.

- (c) **Terms.** The term of office of the Common Council Member shall be one (1) year. All other appointments to the Board shall be for terms of three (3) years, with the exception that of initial appointees, two shall serve for one (1) year, three shall serve to two (2) years, and three shall serve for three (3) years; providing thereafter for three-year staggered terms for all but the aldermanic representative. All terms will commence on May 1 and expire on April 30, except for the initial appointees for which the term will commence on March 12, 2001, with the first year term expiring April 30, 2002.
- (d) **Meetings.** Upon appointment, the Board shall immediately assemble and meet pursuant to the direction of the Chairman. At its organizational meeting, it shall select a secretary who shall record acts of the Board and shall make such other organizational decisions, as it deems necessary or advisable to best carry out its duties. In addition, the meetings shall be noticed under the Wisconsin Open Meetings Law and tape-recorded in the same manner as other city meetings.
- (e) **Duties.** The Economic Development Board shall stimulate and encourage economic development. The Board, serving in an advisory role to the Common Council, shall manage and administer the City's economic development program, recommend action on long- and short-range elements of the program, recommend an annual work program, and recommend an annual budget for its activities and program.

**SEC. 2-4-19 PUBLIC ART COMMITTEE** (Ord. 2003-43) (Ord. 2004-28)

Guidelines for Accepting Gifts of Art Intended for Long-term Placement at Public Sites.

- (a) **Policy Objectives.**
  - (1) To ensure that art work in Cedarburg's public spaces enhances our unique community, adds to the existing strengths of public spaces and is of the highest quality.
  - (2) To provide a procedure for reviewing proposed gifts of art work intended for long-term placement in public places.
  - (3) Installations of one year or less shall be considered temporary and addressed by the Public Art Committee on an as-received basis.
- (b) **Public Art Committee**
  - (1) The Committee shall be appointed by the Mayor, confirmed by the Council and shall consist of seven (7) members. There shall be at least two (2) artists on the committee, one Council Member, one representative from the Landmarks Commission and two (2) community representatives. Residency in the City of Cedarburg is required. The terms shall be two (2) years, except that initially the term of two members shall expire after one (1) year to stagger the terms.
  - (2) This is a volunteer advisory committee to advise Council, staff, artists, developers and others on the implementation of the Public Art Program, and on public art matters generally.

(c) **Definitions**

- (1) Public Art. Art work intended for placement or installation at indoor and outdoor areas of public use.
- (2) Gifts. An existing or proposed work of art offered as a donation to the City for placement at a public site.
- (3) Sponsor. An individual or group, other than the artist, who proposes a work of art for placement on a public site and assumes the financial responsibility for producing and installing the work of art.

(d) **Acceptance Conditions.**

- (1) The City will consider gifts of works of art for placement at a public site on the understanding that no City funds will be required for production, siting or installation of the work, except when the City itself acts as a sponsor or co-sponsor.
- (2) To be considered for acceptance by the City, a work of art must have a sponsor or co-sponsor who will present the proposal and, when necessary, be responsible for raising the necessary funds or providing the funds, in accordance with the budget presented to the Public Art Committee (see Acquisition Procedures).
- (3) The City will consider the following types of proposals for works of art intended for placement at a public site:
  - a. A sponsor's offer of an already completed work of art.
  - b. A sponsor's offer to commission an art work by a specific artist or artists.
  - c. A sponsor's offer to commission an art work by means of a public art competition.

(e) **Selection Criteria.**

- (1) Relevance. Appropriateness of the work of art to the proposed site and its surroundings, including considerations of architecture, location, history and the nature of the surrounding neighborhood in which the art will be placed.
- (2) Artistic Excellence. Quality of the artist's concept. Does it merit placement in a public place? Assessment of artist's ability and potential to execute the proposed work, based on previous artistic achievement and experience, or, in the case of an existing work of art, the quality of the executed work.
- (3) Physical Durability. What is the art work's long-term durability against theft, vandalism and weather? Will it require expensive maintenance? Is a conservator's report and estimate of maintenance costs required before a decision is made?
- (4) Public Safety. All proposals must address issues of public safety and all will be reviewed by the City Engineer and Police Chief.
- (5) Costs. Consideration will be given to all costs of the proposal, including production, acquisition, siting, installation, documentation, and maintenance.
- (6) Authenticity. Consideration will be given to the work's terms of donation, legal title, authenticity, and other issues as appropriate.

(f) **Acquisition Procedures.**

- (1) All offers of art work proposed for sites under City jurisdiction must first be received by the Public Art Committee, which is responsible for reviewing proposals and reporting its recommendations to the Common Council.

- (2) The City Planner will inform the sponsor and artist(s) about the criteria, conditions and procedures governing the acceptance of gifts of public art.
  - (3) In all cases, the sponsor will be asked to submit to the Public Art Committee prior to its consideration of the proposal:
    - a. A brief statement of purpose from the artist.
    - b. Drawing(s) and/or photograph(s) and/or model(s) of the proposed work with scale and materials indicated.
    - c. A plan showing the work in relation to the site.
    - d. A visual projection of the work on the proposed site(s).
    - e. A budget, with projected costs for the project.
    - f. Funds committed to date, and proposed source(s) of funds.
    - g. Artist's resume and any additional supporting material.
  - (4) If the Committee recommends against accepting the proposal, it will notify the sponsor and the artist. It will also advise the Common Council of its recommendation.
  - (5) If the proposal is accepted by the Common Council, a formal agreement will be drawn up outlining the responsibilities of each party (the City, the sponsor(s), the artist(s) and outside contractor(s), where applicable). The agreement will address project funding, fabrication, siting, installation, maintenance, transfer of title, artist's rights, public education costs, project supervision, the identification plaque and other issues as necessary.
  - (6) Where possible, the artist will be consulted before any modification to the site that significantly affects the intent of the work, or any alteration of the work, is undertaken.
  - (7) The completed and installed work of art will be registered in the City's Public Art Registry, together with the artist's statement of purpose and other information as appropriate.
- (g) **Appeal Policy.**  
 All sponsors or artists who believe that the consideration of their proposal was procedurally unfair, unreasonable or inadequate may appeal the Committee's recommendation rejecting the proposed gift. No appeals can be based on the grounds of the Committee's aesthetic evaluation of an existing or proposed work.
- (h) **Appeal Procedure.**  
 The sponsor or artist may seek a review of the Committee's decision by the Common Council within thirty (30) days of the Committee's decision. If the sponsor or artist wishes to appeal the decision by the Common Council, the sponsor and/or artist may submit a formal certiorari review request to the circuit court within thirty (30) days of the Council's final decision.

**SEC. 2-4-20 GENERAL PROVISIONS REGARDING MEETINGS AND PUBLIC.**

- (a) **Regular Meetings; Public Notice.** Every Board, Committee and Commission created by or existing under the Ordinances of the City shall:
  - (1) Fix a date, time and place for its meetings if it meets on a regular basis;
  - (2) Notify in the official City newspaper in advance of each such regular of the date,

time and place for its meetings and comply with the requirements of the Wisconsin Open Meeting Law.

- (3) Post, at the front door of the City Hall, an agenda of the matters to be taken up at such meeting.
- (b) **Special Meetings.** Nothing in Subsection (a) shall preclude the calling of a special meeting or with dispensing with the publication of notice or such posting of the agenda, for good cause, but such special meetings shall nonetheless comply in all respects with the provisions of Sections 19.81 to 19.89, Wis. Stats.
- (c) **Minutes.** The secretary of each Board, Committee and Commission shall file a copy of the meeting minutes of such Board or Commission with the City Clerk.
- (d) **Compensation to Members.** Members of boards and commissions shall not be compensated for their services but may be reimbursed for authorized expenses incurred on behalf of the City.

## CHAPTER 5

### Ethics Code

(Ord. 2004-08)

2-5-1	Declaration of Policy
2-5-2	Responsibility of Public Office
2-5-3	Dedicated Service
2-5-4	Fair and Equal Treatment
2-5-5	Conflict of Interest
2-5-6	Advisory Opinion
2-5-7	Jurisdiction and Application
2-5-8	Sanctions
2-5-9	Distribution of Ethics Code

#### **SEC. 2-5-1 DECLARATION OF POLICY.**

The proper operation of democratic government requires that public officials and employees be independent, impartial and responsible to the people; that government decisions and policy be made in proper channels of the governmental structure; that public office is not to be used for personal gain; and that the public have confidence in the integrity of its government. In recognition of these goals, there is established in this Chapter a code of ethics for all City of Cedarburg officials and employees whether elected or appointed, paid or unpaid, including members of Council as well as boards, committees and commissions of the City (City agencies). The purpose of this Ethics Code is to establish guidelines for ethical standards of conduct for all such officials and employees by setting forth those acts or actions that are incompatible with the best interests of the City of Cedarburg and by directing disclosure by such officials and employees of private financial or other interests in matters affecting the City.

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

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

#### **SEC. 2-5-3 DEDICATED SERVICE.**

- (a) Officials and employees should adhere to the rules of work, professionalism and performance established as the standard for their positions by the appropriate authority.
- (b) Officials and employees should not exceed their authority or breach the law or ask others to do so, and they should work in full cooperation with other public officials and employees unless prohibited from so doing by law or by officially recognized confidentiality of their

work.

#### **SEC. 2-5-4 FAIR AND EQUAL TREATMENT.**

- (a) **Use of Public Property.** No official or employee shall request or permit the unauthorized use of City-owned vehicles, equipment, materials or property for personal convenience or profit.
- (b) **Fundraising.** No official or employee shall request or permit the use of city resources, city time or city equipment for the purpose of fundraising. No official or employee shall use his or her position, authority or influence, whether possessed or anticipated, to represent themselves as a city official or employee for private or public fundraising. (Ord. 2007-14)
- (b) **Obligations to Citizens.** No official or employee shall grant any special consideration, treatment or advantage to any citizen beyond that which is available to every other citizen.

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

- (a) **Financial and Personal Interest Prohibited.** No official or employee, whether paid or unpaid, shall engage in any business or transaction or shall act in regard to financial or other personal interest, direct or indirect, which is incompatible with the proper discharge of official duties in the public interest contrary to the provisions of this Chapter or which would tend to impair independence of or action in the performance of official duties.
- (b) **Definitions.**
  - (1) Financial Interest. Any interest which shall yield, directly or indirectly, a monetary or other material benefit to the officer or employee or to any person employing or retaining the services of the officer or employee.
  - (2) Personal Interest. Any interest arising from blood or marriage relationships or from close business or political associations, whether or not any financial interest is involved.
  - (3) Person. Any individual or legal entity.
- (c) **Specific Conflicts Enumerated.**
  - (1) Incompatible Employment. No official or employee shall engage in or accept private employment or render service for private interest when such employment or service is incompatible with the proper discharge of official duties or would tend to impair independence of judgment or action in the performance of official duties, unless otherwise permitted by law.
  - (2) Disclosure of Confidential Information. No official or employee shall, without proper legal authorization, disclose confidential information concerning the property, government or affairs of the City, nor shall such information be used to advance the financial or other private interests of the official or employee or others.
  - (3) Gifts and Favors.
    - a. No public official or employee may use his or her public office to "obtain financial gain" or "anything of value" for the private benefit of himself or herself, for his or her immediate family, or for an organization with which he or she is associated.
    - b. No person may directly or indirectly offer or give "anything of value" to a

local public official or employee if it could reasonably be expected to affect that official's vote, official action or judgment, or if it could be construed as a reward for any official action or inaction on the part of the local public official or employee. No local public official or employee may accept "anything of value" tendered under such circumstances. "Anything of value" is defined as "money or property, favor, service, payment, advance, forbearance, loan or promise of future employment". Legal campaign contributions are exempt from the definitions. An official or employee is not to accept hospitality if, after consideration of the surrounding circumstances, it could reasonably be concluded that such hospitality would not be extended were it not for the fact that the guest, or a member of the guest's immediate family, was a City official or employee. This includes any discount on the price of admission, parking, or use of a box at a stadium that is tax exempt from general property taxes. Participation in celebrations, grand openings, open houses, informational meetings and similar events are excluded from this prohibition. This paragraph further shall not be construed to prevent candidates for elective office from accepting hospitality from citizens for the purpose of supporting the candidate's campaign.

- c. No local public official or employee may take any official action that affects a matter in which the public official or employee, a member of his or her immediate family, or an organization with which the official or employee is associated has a substantial financial interest.
  - d. No local public official or employee may use his or her office or position in any way that produces or assists in producing a substantial benefit, either directly or indirectly, for the official or employee, any members of his or her immediate family, or an organization with which the official or employee is associated.
- (4) Representing Private Interests Before City Agencies or Courts. No officer or employee shall appear on behalf of any private person (other than him or herself, his or her spouse or minor children) before any City agency. However, members of the Common Council may appear before City agencies on behalf of constituents in the course of their duties as representatives of the electorate or in the performance of public or civic obligations.
- (d) **Contracts with the City.** No City officer or employee who, in his capacity as such officer or employee, participates in the making of a contract in which he has a private pecuniary interest, direct or indirect, or performs in regard to that contract with some function requiring the exercise of discretion on his part shall enter into any contract with the City unless it is within the confines of Sec. 946.13
- (e) **Disclosure of Interest in Legislation.**
- (1) Any member of the Common Council who has a financial interest or personal interest in any proposed legislation before the Common Council shall disclose on the records of the Common Council or the Ethics Board created by this Chapter the nature and extent of such interest.
  - (2) Any other official or employee who has a financial interest or personal interest in any proposed legislative action of the Common Council or who serves on a board or

committee, shall disclose the nature and extent of such interest.

- (3) If there is a conflict of interest for any official or employee, he or she must refrain from participating in any way including discussion, deliberations or action on the item.

#### **SEC. 2-5-6 ADVISORY OPINION.**

Any questions as to the interpretation of any provisions of this Code of Ethics Chapter shall be referred to the Personnel Committee serving as the Ethics Board or the City Attorney. The fact that a person seeks an advisory opinion and abides by the material facts as stated, is evidence of intent to comply with the Ethics Code.

#### **SEC. 2-5-7 JURISDICTION AND APPLICATION.**

- (a) The Personnel Committee shall have administrative jurisdiction over this Code of Ethics Chapter and shall be deemed the Ethics Board pursuant to Section 19.59 (3)(d) Wis. Stats. for that purpose. An individual may request an advisory opinion on the propriety of any matter to which he or she is or may become a party. However, the Personnel Committee has complete discretion as to whether to issue such an opinion. All requests and advisory opinions to the Ethics Board must be in writing.
- (b) The Personnel Committee may make recommendations with respect to amendments to this Code of Ethics Chapter.
- (c) Upon the sworn complaint of any person alleging facts which, if true, would constitute improper conduct under the provisions of this Chapter, the Personnel Committee shall conduct an investigation of the facts of the complaint; if the investigation indicates there may be a reasonable basis for the complaint justifying further investigation, the Committee shall conduct a public hearing in accordance with the common law requirements of due process, including notice, an opportunity to be heard, an opportunity to cross-examine witnesses and to present testimony and other evidence in support of the accused's position and an opportunity to be represented by counsel or other representatives at the expense of the accused. The Committee shall make written findings of fact and issue a written decision concerning the propriety of the conduct of the subject official or employee and shall refer the matter to the Common Council for final disposition.
- (d) In the event a member of the Personnel Committee is allegedly involved in an Ethics Code violation, the Mayor, subject to the confirmation of the Common Council, shall appoint another Council Member to temporarily replace the member of the Committee who is under investigation.

#### **SEC. 2-5-8 SANCTIONS.**

A determination that an official's or employee's actions constitute improper conduct under the provisions of this Chapter may constitute a cause of suspension, removal from office or employment or other action permitted by law.

#### **SEC. 2-5-9 DISTRIBUTION OF ETHICS CODE.**

- (a) The City Clerk shall cause a copy of this Code of Ethics to be distributed to every public official and employee of the City of Cedarburg within thirty (30) days after enactment of this Chapter. Each public official and employee elected, appointed or engaged thereafter shall be furnished a copy before entering upon his duties.
- (b) Each public official, the Mayor, the Chairman of each Board, Commission or Committee and, through the City Administrator, the Head of each Department shall, between May 1 and May 31 each year, review the provisions of this Code with his fellow Council, Board, Commission, Committee members or subordinates as the case may be and certify to the City Clerk by June 15 that such annual review had been undertaken. A copy of this Ethics Code Chapter shall be continuously posted on each department bulletin board wherever situated.

## CHAPTER 6

### Personnel Code

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## ARTICLE A

### Introduction

#### SEC. 2-6-1 PERSONNEL OBJECTIVES AND ADMINISTRATION. (Ord. 99-27)

- (a) **Applicability; Collective Bargaining and Employment Agreements.** The personnel policies, procedures, and guidelines and regulations set forth in this City of Cedarburg Personnel Code shall be applicable to all City employees including Library, sworn and nonsworn personnel, with the exception of the Light & Water employees. Where an existing Collective Bargaining or an individual Employment Agreement does not address a certain area, the policies, procedures and guidelines in this Chapter shall be effective.
- (b) **Additional Rights Not Conferred.** None of the benefits or policies in this Personnel Code are intended by reason of their publication to confer any rights or privileges or to entitle a City employee to be or to remain employed by the City. The Personnel Code is subject to unilateral change by the City. (Ord. 99-27)

#### SEC. 2-6-2 AUTHORITY.

- (a) **Policy Approval.** The authority to approve the Personnel Code is vested in the Mayor and Common Council. It is the responsibility of City personnel to recommend changes to the Mayor and Common Council, through the City Administrator and Personnel Committee, for approval.
- (b) **Administration.** The overall authority and responsibility for the general day-to-day administration of the personnel program is with the City Administrator for non-protective services employees excluding Library and Light & Water employees and the Chief of Police and Fire Chief for protective services employees under their respective jurisdiction.
- (c) The City retains all of its common law, statutory and inherent rights to manage its employees and to determine the general business practices and policies of the City. (Ord. 99-27)

#### SEC. 2-6-3 DEFINITIONS.

In this Chapter the following definitions shall apply:

- (a) **City.** The City of Cedarburg, Wisconsin.
- (b) **Collective Bargaining Agreement.** A written and signed contract, between the City and a labor organization, pertaining to the mutual obligations of the City and the represented employees concerning wages, hours and conditions of employment.
- (c) **Continuous Service.** Uninterrupted employment as a full- or part-time employee of the City.
- (d) **Department.** An established and recognized City division, staffed by employees, which is organized and structured to accomplish a particular type of assigned municipal service.
- (e) **Department Head.** An employee who is responsible for the operation of a City department and includes:
  - (1) City Assessor;
  - (2) Chief of Police;
  - (3) Fire Chief;
  - (4) Director of Engineering and Public Works;

- (5) City Clerk;
- (6) City Treasurer;
- (7) Parks and Recreation Director;
- (8) Library Director; and
- (9) Light and Water Utility Manager.
- (f) **Employee.** An individual who is engaged to provide services as directed by the City for wages or salary. Department heads are included as employees of the City.
- (g) **Full-time Employee.** An employee in a regular position whose normal assigned schedule of hours totals two thousand eighty (2,080) or more per year.
- (h) **Labor Organization.** An employee organization formally recognized as representing the employees, pursuant to the Municipal Employment Labor Relations Act, 111.70 et. seq. of the Wisconsin Statutes.
- (i) **Part-time Employee.** An employee who is normally assigned schedule of hours totals more than twelve hundred (1,200) hours per year but less than two thousand eighty (2,080) hours per year. (Ord. 2011-11)
- (j) **Regular Employee.** An employee who is scheduled to work throughout the year and who occupies a regular position established by the Common Council.
- (k) **Temporary and Seasonal Employee.** An employee who is hired only for a limited period of time and whose normal assigned schedule of hours totals less than twelve hundred (1,200) hours per year. (Ord. 99-27)(Ord. 2011-11)

**SEC. 2-6-4 THROUGH SEC 2-6-9 RESERVED FOR FUTURE USE.**

## ARTICLE B

### Employment Practices (Recruitment-Selection-Placement)

#### **SEC. 2-6-10 EQUAL EMPLOYMENT OPPORTUNITIES.** (Ord. 99-27)

It is the personnel policy of the City to maximize worker resources by selecting the best-qualified person for each job performed. The same principles apply to the hiring of any person with a disability, unless the disability cannot be reasonably accommodated. All personnel the City has hired and promoted in the past, and those to be hired and promoted in the future have been and will continue to be selected from all applicants on the basis of qualifications. These include such factors as ability, aptitude, enthusiasm, experience, education and a willingness to work and serve. Moreover, since the City's objective is to select from all sources of qualified workers, it will administer this policy in such a manner as not to discriminate against any person, employee, or job applicant for employment because of race, color, religion, sex, age, national origin, ancestry, handicap, marital status, sexual orientation, veteran status or arrest and conviction record (except where circumstances relate to employment). It is the responsibility of each employee and supervisor to give this nondiscriminating policy full support through example and leadership. (Ord. 99-27)

#### **SEC. 2-6-11 IMMIGRATION LAW COMPLIANCE.**

- (a) **Compliance.** The City complies with the Immigration Reform and Control Act of 1986. As such, the City needs to verify employment eligibility for anyone hired after November 6, 1986 and have that person complete a one-page form (I-9) for retention by the City. Before commencing work, newly hired employees must also complete the form if they did not previously file an I-9 with the City, if their previous I-9 is more than three years old, or if their previous I-9 is no longer valid.
- (b) **Sworn Personnel.** United States citizenship is required of all regular full-time and regular part-time sworn personnel in the Police Department. An applicant for a sworn police position must be a legal citizen of the United States at the time of appointment to a sworn position.  
(Ord. 99-27)

State Law Reference: Section 66.11, Wis. Stats.

#### **SEC. 2-6-12 LICENSES AND CERTIFICATIONS.**

- (a) Applicants for a position requiring a license and/or certification must present proof of same prior to the first assigned starting date.
- (b) Persons operating a City vehicle or equipment must possess an appropriate and valid operator's license and submit that license as proof. Those positions requiring special certification by an agency of the state must submit proof of satisfactory completion, with certification to professionally practice in the State of Wisconsin.
- (c) Various other certifications may be requested as proof of completed education at a recognized institution or university. The City reserves the right to obtain necessary information regarding academic achievement transcripts, educational files, health records, or prior employment records

of any applicant. (Ord. 99-27)

## **SEC. 2-6-13 DRUG/ALCOHOL TESTING (CDL).**

As of January 1, 1996 the City of Cedarburg must comply with the Omnibus Transportation Employee Testing Act. The Act applies to public employees who drive commercial motor vehicles (CMV) and are required to hold commercial drivers' licenses (CDLs). This includes employees from the City, Department of Public Works, Light and Water, and Wastewater Treatment Plant employees. The City is required to conduct alcohol and drug testing of drivers engaged in safety-sensitive positions and maintain records related to the administration and results of the drug and alcohol testing programs. Cedarburg will enforce the following policy:

- (a) **Prohibited Alcohol and Drug - Related Conduct.** An employee may not:
  - (1) report to work or remain on duty to perform safety-sensitive functions while having an alcohol concentration of 0.04 or higher;
  - (2) be on duty or operate a CMV while in possession of alcohol (including possession of medicines containing alcohol unless the packaging seal is unbroken);
  - (3) use alcohol while performing safety sensitive functions;
  - (4) use alcohol within four hours prior to performing any safety-sensitive functions;
  - (5) when required to take a post-accident alcohol test, use alcohol within eight hours following the accident or prior to undergoing a post-accident alcohol test, whichever comes first;
  - (6) possess or use drugs on duty, unless prescribed by a physician who has advised the employee that the medication does not adversely affect the employee's ability to perform safety sensitive functions;
  - (7) perform safety sensitive functions with any amount of drugs in the employee's system; and
  - (8) refuse to submit to or cooperate in any drug or alcohol testing.
- (b) **Knowledge of employee under the influence.** An employee who has knowledge of another employee who has consumed or is under the influence of an intoxicating beverage or drugs must take all reasonable steps to prevent the employee from performing safety-sensitive functions.
- (c) **Five (5) types of testing are required by the Act:** pre-employment; random; reasonable suspicion; post-accident; return-to-duty and follow-up testing.
  - (1) Pre-employment Testing - Pre-employment testing for alcohol and drugs is required before a driver may drive a commercial motor vehicle or perform other safety-sensitive functions.
  - (2) Post-Accident Testing - Post-accident testing is conducted as soon as practicable after an accident.
  - (3) Random Testing - Annually, the number of random alcohol tests given must be at least 25% of the total number of employees subject to testing and random drug testing be given at a rate of at least 50% of the total number of employees subject to testing. For the City of Cedarburg, employees holding CDLs from Cedarburg Light and Water, the Wastewater Treatment Plant employees, and the employees included

in the Department of Public Works labor agreement will consist of the total number of employees subject to testing.

- (4) **Reasonable Suspicion Testing** - An employer must require an employee to submit to an alcohol or drug test when the employer has a reasonable suspicion that an employee has violated prohibitions against the misuse of alcohol or use of illegal drugs.
- (5) **Return to Duty/Follow-Up Testing** - An employee may not return to duty requiring the performance of a safety-sensitive function until the employee has successfully passed a return-to-duty alcohol and/or other drug test.
- (d) **Consequences of Failing Drug or Alcohol Testing** - If an employee tests positive for drugs, has a 0.04% BAC alcohol test, or refuses to submit to testing, the employee will be immediately removed from duty. Subsequent disciplinary action will be taken against the employee.
- (e) **Testing for employees who do not hold a CDL.** Employees who do not hold a CDL may also be subject to reasonable suspicion testing. (Ord. 99-27)

#### **SEC. 2-6-14 RECRUITMENT.**

- (a) **Non-Sworn Personnel.** As vacancies occur in positions, efforts will be made to fill them by promotion of present employees. The position will be posted in appropriate locations so that all employees desiring to apply will be aware of the vacancy. Each interested employee must file a statement of interest in the vacant position and a formal application.
- (b) **Sworn Personnel.** Recruitment for positions with the Police or Fire Department shall be pursuant to the rules of procedure of the Police and Fire Commission. (Ord. 99-27)
- (c) **Filling Vacancies.** Common Council authorization is required to fill any vacant full-time and regular part-time positions (excluding Library personnel) that were not approved within the previous twelve (12) months. (Ord. 2004-02)

#### **SEC. 2-6-15 SUBMISSION OF APPLICATIONS.**

- (a) All employment applications for general positions shall be filed through the City Clerk's Office; and for sworn positions, through the Chief of Police or Fire Chief. Employment applications are available at the City Clerk's Office and must be completed before consideration for employment.
- (b) Any information given to the City during the application and hiring process, which is false, deceptive or fraudulent in any manner, will subject the applicant to disqualification. If the candidate has been hired, the employee will be subject to immediate dismissal. (adopted 9/13/99)

#### **SEC. 2-6-16 BACKGROUND INVESTIGATIONS.**

- (a) After an applicant receives conditional offer of employment, the City shall have a routine background check made by the Police Department for employees. This will be done before appointment, and such report shall be filed with the City Administrator. The personal background and criminal civil forfeiture data will be evaluated in relation to the applicant's ability to perform the duties and responsibilities of the specific position.

- (b) All applicants shall be checked for verification as to their employment and educational backgrounds.
- (c) A background investigation may be completed on volunteers and temporary employees as considered appropriate and depending on the duties. (Ord. 99-27)

**SEC. 2-6-17 EMPLOYEE ORIENTATION.**

A new employee's supervisor shall be responsible for the orientation of each new employee and shall, on the first day of employment or as soon thereafter as possible during the first pay period, meet with new employees and advise them of all general conditions of employment. (Ord. 99-27)

**SEC. 2-6-18 HIRING RELATIVES.**

- (a) This Section governs the proposed hiring of individuals for full-time or part-time work as City employees who are members of the immediate family of City employees or elected officials. "Immediate family" includes an employee's spouse, and children.
- (b) No City official or employee shall effectively recommend or decide to hire or promote another person when that person is a member of the employee's immediate family, unless that person has the skills, experience or other job-related qualifications. No City official or employee shall give preferential or favored treatment in the supervision or management of another employee who is a member of his or her immediate family.
- (c) City officials and employees are required to comply with Wisconsin Statutes 19.59: "No local public official may use his or her public position or office to obtain financial gain or anything of substantial value for the private benefit of himself or herself or his or her immediate family or organization with which he or she is associated."
- (d) This Section does not apply to non-elected officials who are asked to accept appointment as members of a City board, commission or committee; non-elected officials, however, will be expected to disqualify themselves from participation in matters under consideration which may affect the hiring, retention, classification or compensation of their relatives if currently employed or being considered for employment by the City.
- (e) The City Administrator may waive this Section whenever its literal application would be adverse to the City's best interest or would work an unreasonable hardship on the employee. If this Section is waived, the City Administrator shall do so by setting forth in writing as a matter of public record an explanation of his or her finding that the waiver is in the City's interest.
- (f) Nothing in this Section prohibits a City official or employee from making decisions concerning salaries, salary-related benefits or reimbursement of actual and necessary expenses when the action does not result in preferential or favored treatment of a member of the employee's immediate family. (Ord. 99-27)

**SEC. 2-6-19 RESIDENCY.**

The City Administrator and Chief of Police are required to live in the City within one year of appointment to the position. There is no residency requirement for all other employees. (adopted 9/13/99)

**SEC. 2-6-20 THROUGH SEC. 2-2-29 RESERVED FOR FUTURE USE.**

## ARTICLE C

### Conditions of Employment

#### SEC. 2-6-30 WORKING HOURS - NONSWORN EMPLOYEES. (Ord. 99-27)

(a) **Working Hours.**

- (1) The standard workday for full-time employees is eight (8) hours, which all employees are expected to work in full. The standard workweek for employees is forty (40) hours. Employees shall receive an unpaid lunch break; not less than thirty (30) minutes in length, which may be adjusted as necessary and as determined by the employee's supervisor. (Ord. 2000-24)
- (2) Hourly, non-exempt, full-time employees shall be eligible for pay at one and one-half (1-1/2) times their regular straight time hourly rate for all hours they are required to work in excess of eight (8) hours per day.
- (3) As far as practical, work hours and days shall conform to the established hours of City business. However, the City has the right to establish rotative, staggered or shortened work periods, multiple shift or part-time hours as needed.
- (4) A paid fifteen (15) minute break is granted each workday for non-exempt Wastewater Treatment Plant and Lifeguard personnel. (Ord. 2000-24)

(b) **Overtime.** City employees may be asked to work overtime. Employees shall be paid time-and-one-half their regular rate of pay for all hours worked in excess of forty (40) hours in each week, or receive compensatory time off as permitted by this Section, Sec. [2-6-31] below and the Fair Labor Standards Act and Wisconsin Wage & Hour Law. This provision shall not apply to employees who are in administrative, executive or other classes of work exempt from the provisions of the Fair Labor Standards Act and Wisconsin Wage & Hour Law.

(c) **Exempt Employees.**

- (1) The City Administrator, department heads and certain other officers are deemed to be executive, administrative or professional employees who meet the qualifications for exemption under the Fair Labor Standards Act and Wisconsin Wage & Hour Law, and such employees shall be paid on a salary basis without regard to the number of hours worked. Exempt employees are generally expected to conform to the normal business hours of their department, and are afforded flexibility in the application of their time to the responsibility involved in managing their department. Such flexibility is not intended to allow for:
  - a. Taking absence for illness without charge to said leave; or
  - b. Pay for overtime hours worked.

(d) **Meetings.** City employees may be required to attend regular or special meetings of the Common Council and applicable meetings of other City committees, boards and commissions. (Ord. 2000-24)

#### SEC. 2-6-31 COMPENSATORY TIME OFF; APPLICABILITY OF FAIR LABOR STANDARDS ACT

(a) **Definitions.** "Compensatory time" and "compensatory time off" are defined as hours when an

employee is not working and which are paid for at the employee's regular rate of pay. These hours are not counted as hours worked in the week in which they are paid.

- (b) **Non-exempt Employees.** Such employees shall be eligible for pay or compensatory time off at the rate of one and one-half (1-1/2) hours for each hour of authorized overtime work in accordance with the requirements of the Fair Labor Standards Act and Wisconsin Wage & Hour Law. With the permission of the department head, compensatory time accumulation of up to a maximum of forty (40) hours per calendar year shall be permitted. Overtime shall be paid for all hours worked in excess of regularly scheduled hours only when such work has been authorized by the employee's department head or the employee's immediate supervisor.
- (c) **Compensatory Time Off.**
  - (1) Non-exempt employees may take compensatory time off in lieu of immediate overtime pay in cash, at a rate of not less than one and one-half hours for each hour of overtime worked pursuant to an agreement between the employee's supervisor and employee before performance of the work.
  - (2) The maximum compensatory time, which may be accrued by an affected employee at any one time, shall be forty (40) hours, except that the City Administrator may exercise discretion to allow accumulation in excess of forty (40) hours. An employee who has accrued the maximum number of compensatory hours shall be paid overtime compensation in cash for any additional overtime hours of work.
  - (3) An employee shall be permitted to use accrued compensatory time within a reasonable period after it is requested if to do so would not unduly disrupt the operations of the City. The City may direct that compensatory time off be taken or that the compensatory time balance be paid out.
  - (4) Payment for accrued compensatory time upon termination of employment shall be calculated at the average regular rate of pay for the final three (3) years of employment, or the final regular rate received by the employee, whichever is the higher.
- (d) **Employees Holding Multiple Jobs.**
  - (1) City employees may at their own option agree to work for a separate or independent employer in such activities, provided the permission of the City Administrator, is first secured.
  - (2) City employees may at their own option, but with the approval of the City, substitute during scheduled hours for other employees employed in the same capacity. In the case of such substitution, the hours involved are credited to the scheduled employee and not to the substitute employee.
- (e) **Volunteers.**

Individuals who volunteer their services to the City and receive no compensation, are excluded from the definition of "employee" and are thus excluded from the requirements of the Fair Labor Standards Act and Wisconsin Wage & Hour Law. Expenses, reasonable benefits, nominal fees, or a combination of these may be paid as authorized by the Common Council; however, an employee of the City may not volunteer to do the City services of the same type the employee is employed to perform. (Ord. 99-27)

## **SEC. 2-6-32 RECORD KEEPING OF HOURS.**

It shall be the responsibility of the department head to assure proper recording of hours worked. Before

records of time worked are submitted to the City Treasurer for payment of wages, they are to be reviewed, approved, and signed by the department head. (Ord. 99-27)

### **SEC. 2-6-33 ABSENCES.**

Excused absences will normally be paid if the employee has time off hours available. However, the City reserves the right to review individual cases when the absence is unauthorized, excessive or when abuse occurs.

- (a) If an employee will be absent from work, it is the employee's responsibility to contact the department head with the reason for the absence. This must be done as soon as possible before the beginning of the regular work shift. Absence, which is without proper notice or without permission, is considered "unauthorized." Such absence in excess of two (2) consecutive workdays is considered as a resignation of employment.
- (b) Anticipated absences shall be reported to the employee's department head or immediate supervisor in advance. Three (3) days of unauthorized absence in a three (3) month period will be grounds for dismissal. Employees with excessive absences or tardiness may be subject to disciplinary action or discharge. (Ord. 99-27)

### **SEC. 2-6-34 ACCIDENT POLICY.**

- (a) **On-the-Job Injuries.**
  - (1) Reporting.
    - a. Employees injured on the job shall report the injury immediately to their supervisor, if physically able to do so.
    - b. The employee's immediate supervisor or a department head will arrange for first aid treatment or for a doctor's care, if necessary.
    - c. All accidents, however minor, are to be reported as soon as possible by the injured employee or the supervisor to the City Treasurer's Office with a copy to the City Administrator.
    - d. The City Treasurer will make a record of the injury.
  - (2) Release for Work After Injury. In all cases of injury requiring the services of a physician, it is the responsibility of the employee to obtain from the physician a release authorizing the return to work. The release shall indicate the date upon which the employee may return to work. (Ord. 99-27)

### **SEC. 2-6-35 AND SEC. 2-6-39 RESERVED FOR FUTURE USE.**

**RESERVED FOR FUTURE USE.**

## ARTICLE D

### Employee Benefits

#### **SEC. 2-6-40 HOLIDAYS.** (Ord. 97-19) (Ord. 97-26) (Ord. 2000-09)

- (a) (1) The following days shall be paid holidays for full-time employees:
- |                    |                        |
|--------------------|------------------------|
| New Year's Eve Day | Thanksgiving Day       |
| New Year's Day     | Day after Thanksgiving |
| Memorial Day       | Christmas Eve Day      |
| Independence Day   | Christmas Day          |
| Labor Day          | Two Floating Holidays  |
- (2) In the event a holiday (except Christmas Day, and New Year's Day) falls on Saturday, the immediate preceding Friday shall be recognized as the holiday. In the event a holiday (except Christmas Eve and New Year's Eve) falls on Sunday, the immediate following Monday shall be recognized as the holiday. When Christmas Eve and New Year's Eve fall on a Friday or Saturday, and Christmas Day and New Year's Day on a Saturday or Sunday, the days of celebration are the preceding Friday and the following Monday. When Christmas Eve and New Year's Eve fall on a Sunday, the day of celebration is the following Tuesday. Unless specifically provided otherwise in this Article, the holidays listed in Section 2-6-40(a)(1) above shall be observed on the day established by State Statutes.
- (3) New full-time and regular part-time non-exempt employees shall be ineligible for holiday pay for any holiday, which occurs during their first six (6) months of continuous service. Upon successfully completing this period, they shall be paid for any holiday designated in Subsection (a) that occurred during this six (6) month period.
- (4) If any of the above named holidays fall during an employee's vacation, such employee shall be granted another day off at a time mutually agreed upon between the employee and his supervisor.
- (5) In the event that a paid holiday falls within a period when an employee is on sick leave, it shall be charged as a paid holiday, and not deducted from the employee's sick leave.
- (6) Employees shall be paid on a pro-rata basis at their regular straight time rate not to exceed eight (8) hours pay for each holiday.
- (b) Employees scheduled to work on these holidays shall receive pay at time and one-half their normal wage for hours worked. Employees called in to work on these holidays shall receive double their normal wage for each hour they work.
- (c) (1) New personnel classified regular full-time, who begin employment with the City prior to July 1 of the year, shall be entitled to two (2) floating holidays. New full-time personnel, who begin employment with the City on July 1 and after, up until October 1, shall be entitled to use one floating holiday (8 hours). New full-time personnel who begin employment on October 1 and after shall not be entitled to any floating holidays for that calendar year.

- (2) Employees terminated from their employment with the City are not eligible to receive pay for unused floating holidays.
- (3) Employees who do not use their entitled floating holidays in the given calendar year will not receive additional compensation or additional time off as a carry-over into the next year.
- (d) When scheduled to work on a paid holiday, if the employee is unable to report to work, he shall not be eligible for the holiday compensation. Under no circumstances will an employee be compensated with both holiday pay and sick leave pay when the employee is unable to report to work on a scheduled holiday.
- (e) The City will endeavor to make reasonable accommodations for an employee's holiday time off due to the observance of conscientious religious beliefs. Department heads must be consulted at least three (3) days in advance of such a religious observance in order to insure that the employee's duties are covered. If eligible, an employee must use a floating holiday or vacation time. Otherwise, if eligible, any such day shall be without pay.

**SEC. 2-6-41 PAID VACATION.** (Ord. 91-10) (Ord. 93-20) (Ord. 2000-09)

- (a)
  - (1) The City believes that adequate time must be provided to employees annually for rest and relaxation. For this reason, all employees are encouraged to take their full allotment of vacation days each year. Only with prior written approval from the City Administrator may an employee carry over vacation time from one vacation year to the next. Any vacation allowance that has been approved for carry-over must be used within ninety (90) days or it will be forfeited unless an extension beyond (90) days is approved by the Personnel Committee based on the individual circumstances of the request. Only if the City Administrator determines that it was through the request of the City that vacation time was not used, will payment in lieu of vacation be made.
  - (2) Continuous service shall include all the time an employee has been in continuous employment status in a regular position. Regular part-time employees who subsequently assume full-time duties will be given credit for their total hours of service to the date of full-time employment. Such hours will be converted to years of service (using 2080 hours as an equivalent of one year of full-time service) and the employee placed into the vacation schedule listed in subsection (b) accordingly. The employee's anniversary date will then be adjusted to be the date that the employee had worked a cumulative total of 2080 hours. The continuous service of an employee otherwise eligible for a vacation shall not be considered interrupted if the employee was on an approved leave of absence, or was promoted or transferred to another position. Continuous service shall not accrue during any period of layoff or unpaid leave of absence in excess of thirty (30) days, nor any unpaid leave of absence caused by injury or illness in excess of forty-five (45) days.
  - (3) Vacation pay shall be paid at the rate of eight (8) hours per day at the employee's regular straight-time rate.
- (b) Vacation time shall be accrued annually on the anniversary date of employment according to the following schedule. The year in which the vacation can be taken is the twelve (12) month period beginning with the employee's anniversary date.

<u>Years of Continuous Employment</u>	<u>Annual Vacation Time Accrued</u>
1 year	10 working days
5 years	15 working days
12 years	20 working days
20 years	25 working days

- (c) At the discretion of the City Administrator, employees may receive credit for service time with prior employers for advanced placement on the vacation accrual schedule in the following situations:
- (1) The service time was with another public employer under a public employee retirement system; or
  - (2) Service time with a non-profit or private employer that is directly applicable to an employee's present job duties and such previous experience is necessary for the effective fulfillment of an employee's job responsibilities with the City of Cedarburg.
- In order to consider and effect such service credit, the City Administrator must receive a letter from the employee's prior employer verifying employment dates, status, and job classification(s).
- (d) Vacations shall be taken in not less than four (4) hour increments unless otherwise approved by the City Administrator.
  - (e) Upon termination or retirement, a regular full-time or part-time employee shall receive compensation for all unused and accrued vacation allowances earned at the employee's current rate of pay; (except in situations outlined in (f) below).
  - (f) An employee terminated for misconduct, or who leaves with less than two-(2) weeks notice, shall not be entitled to accrued vacation. In order to receive accrued vacation pay, the two-(2) weeks prior to resignation must be time worked. Time worked shall not include vacation, holiday, injury, sick leave or medical leave of absence.
  - (g) Vacations of one week or more must be requested one month in advance. Vacations of less than a week, but more than two days, must be scheduled at least two (2) weeks in advance. Vacations of two (2) or less days must be requested at least forty-eight (48) hours in advance. All vacations are subject to approval by the immediate supervisor or the City Administrator.
  - (h) In the event of the employee's death, compensation for all unused vacation allowance shall be paid to his/her beneficiary.
  - (i) Time lost due to sickness or accident originating while working for the City shall be considered as time worked for the purpose of determining eligibility for vacation as long as the employee has earned some wages from the employer in the vacation year.
  - (j) Regular part-time employees, upon completing one year's service with the City, shall be entitled to vacation with pay, computed on a pro-rated basis based on the previous year's hours in amounts as designated in Section 2-6-1(b). In determining length of service for regular part-time employees, only the period of unbroken continuous service may be considered. Any layoff or unpaid leave of absence, which exceeds sixty (60) calendar days, will be considered as a break in service.

## SEC. 2-6-42 INSURANCE AND RETIREMENT BENEFITS.

- (a) **Insurance Program.** The City maintains a comprehensive insurance program, which provides health, dental, and life coverage for the benefit and protection of all eligible employees. Complete details of these insurance benefits are provided in the insurance benefits booklets. Information on each of these insurance plans, including eligibility and co-payment requirements, may be obtained from the City Treasurer's Office.
- (b) **Retirement Fund.**
- (1) Eligibility requirements and pension benefits shall be as provided by Wisconsin Statutes and the rules and regulations of the Wisconsin Retirement Fund. (Ord. 2011-12)
- (c) **Group Health Insurance.**
- (1) Coverage. The City will maintain a group health and dental insurance contract to provide protection for the City's full time and regular part-time employees and eligible dependents. For new employees, coverage becomes effective on the first of the month following the date of hire.
- (2) Premium Contributions.
- a. The City shall pay the premium for regular full-time employees from the date of employment, in amounts determined annually by the Common Council.
- b. Regular part-time employees shall be eligible to participate in the health insurance coverage provided by the City under the terms established by the City, provided however, that the employee pay one-half (1/2) of the monthly premium.
- c. Upon retirement, full-time employees may continue to maintain their group health insurance coverage until eligible for Medicare, provided the employee requests continuation in writing to the City Treasurer, remits the full premium one (1) month in advance and makes continual required payments thereafter. The City shall pay the full premium for the month in which the employee retires, regardless of the number of days worked in that month.
- (3) Payment in Lieu of Insurance Coverage. Any full-time employee who elects not to participate in the group health insurance program shall receive payment in lieu of health benefit coverage in amounts determined by the Common Council, which the employee may choose to have placed into a Section 125 account.
- (d) **Worker's Compensation.** Employees shall be covered by workers' compensation for duty-related injuries. The City shall pay for employees eligible for workers' compensation payments, the regular net take home pay. Payments from the City to the employee in this event will equal an amount necessary to provide the employee with the same amount as his or her net salary for the particular pay period, after taking into account the amount of workers' compensation for the particular pay period (this payment will be referred to as "supplemental temporary payment.") Any City employee receiving a check for a workers' compensation claim regarding loss of salary shall immediately provide the City Treasurer with true and correct copies of all relevant information pertaining to the workers' compensation check(s). The City Treasurer then will pay to the employee an amount required to provide the employee with the same amount as his or her net salary for the particular pay period, taking into account amounts previously received by the employee as workers' compensation for the same pay period. Employees shall be regarded as eligible for workers' compensation payment from the first day of any disability, notwithstanding

the provisions of Section 102.43, of the Wisconsin Statutes. The supplemental temporary payment made by the City shall not exceed eighteen (18) consecutive months. Injuries which are sustained on the job and reoccur after the employee has returned to work shall be entitled to another eighteen-(18) consecutive month time frame. Employees eligible for workers' compensation payment shall not have any such time off deducted from sick leave provided; however, employees who are still on workers' compensation after the above referenced eighteen (18) month consecutive time frame may use sick leave at their option to supplement the workers' compensation pay to provide a regular net paycheck.

- (e) **Group Life Insurance.** Regular full-time and part-time employees shall be eligible to participate in the group life insurance plan for public employees established under Section 40.20, Wis. Stats.

**SEC. 2-6-43 SICK LEAVE.** (Ord. 98-30) (Ord. 99-27) (Ord. 2000-09)

(a) **Eligibility.**

- (1) Paid sick leave is provided to regular full-time employees who are physically sick or injured and unable to work. Sick leave taken for reasons covered under FMLA are counted as part of and not in addition to leave permitted under FMLA.
- (2) Regular full-time employees shall earn fifteen (15) days of sick leave in each calendar year, as set forth below. Each employee shall accrue sick leave at a rate of ten (10) hours per month. New employees shall be ineligible to use paid sick leave during their first six (6) months of employment; however, upon completion of this period, new employees shall be credited with sick leave based upon their initial date of employment with the City.
- (3) With the exception of compensable illness and injuries, sick leave shall cover all absences from duty on account of bona fide illnesses (including doctor appointments connected with such illness and emergency dentist appointments) of the employee and sickness in the immediate family of the employee or immediate family of spouse. "Immediate family" shall be defined as a: husband, wife, child, sister, brother, parent, grandparents, mother-in-law, father-in-law, brother-in-law, sister-in-law, or other relatives living in the same household." (Ord. 2001-39)

(b) **Maximum Accumulation.**

- (1) In all cases of sick leave, the time granted to employees shall be cumulative on the basis of fifteen (15) days for each calendar year and the same may be added to any sick leave for a successive year or years not exceeding, however, one-hundred-twenty (120) days in one calendar year provided said employee has been in the service of the City a sufficient number of years to receive such cumulative credit.
- (2) All employees who have reached their maximum allotment of one-hundred-twenty (120) sick days shall be compensated thirty percent (30%) of any sick days accumulated over one-hundred-twenty (120). This compensation shall be paid in the first paycheck of the following year, at the previous year's rate. (Ord. 2003-41)
- (3) Upon retirement or death of an employee, fifty percent (50%) of unused sick leave will be paid to the employee or beneficiary.

- (4) The use of sick leave for purposes other than obtaining medical treatment or remaining home on medical advice and for medical or other reasons outlined in this Section is an abuse of sick leave policy and grounds for termination.
- (c) **Regular Part-time Employees.**
  - (1) Regular part-time employees shall be entitled to absences with pay on regularly scheduled workdays due to sickness or injury. New regular part-time employees shall be ineligible to use paid sick leave during their first six (6) months of service; however, upon completion of this period, new employees shall be credited with sick leave based on their initial date of hire on a pro-rata basis. Thereafter, employees will earn sick leave on a pro-rata basis per (a)(2). Total sick leave accumulation may not exceed five hundred (500) hours.
  - (2) Regular part-time employees who have reached the maximum allotment of five hundred (500) hours of accumulated sick leave, shall be compensated twenty-five percent (25%) of any sick days accumulated over five hundred (500) hours. This compensation shall be paid in the first paycheck of the following year at the previous year's rate.
  - (3) Payment for sick leave will be computed on the basis of the employee's hours of work scheduled on the day absent.
  - (4) Any employee off work on sick leave shall, whenever possible, notify his supervisor of his intent to return to work on the day prior to returning.
- (d) **Extension.** In the event of sick leave usage, at the discretion of the City Administrator or Department Head, the employee may be required upon request to furnish, at the employee's expense, a certificate of illness signed by a licensed physician.
- (e) **Preventative Medicine.** Another use of sick leave shall include any form of preventative medicine or treatment which requires the employee to take time off during normal working hours to see his doctor, receive hospital or clinical services, dental care, or any other similar medical attention. Such usage must be requested and approved prior to leaving the work station.

**SEC. 2-6-44 FAMILY AND MEDICAL LEAVE** (Ord. 2009-13)

**Employee Eligibility:** A City of Cedarburg employee is covered by the Federal Family and Medical Leave Act (FMLA) if that person has been employed for at least 12 months, and has worked for the City at least 1,250 hours during the previous 12 months. An employee is covered by Wisconsin's FMLA (WFMLA) if that person has worked 1,000 hours during the previous 52 week period.

**Reasons for Leave:** Eligible employees are entitled to 12 weeks of unpaid leave each calendar year for: the birth of a child and to care for the newborn child (leave must be concluded within 12 months following birth); or the placement of a child with the employee for adoption or foster care (leave must be concluded with 12 months following placement); or to care for the employee's child, spouse, or parent (but not parent -in-law) with a serious health condition; or for the employee's own serious health condition that renders the employee unable to perform the functions of his/her position. **A serious health condition is:** A physical or mental illness, injury, impairment or condition involving inpatient care, or outpatient care that requires continuing treatment or supervision by a health care provider.

**Notice of Need for Leave:** Employees are required to give their supervisor as much notice as possible of the need to take FMLA leave (30 days is required for scheduled leave requests). Failure to provide timely notice as required may result in an employee's request for leave being denied until at least 30 days after the date notice is provided.

**Substitution of Paid Leave for Unpaid FMLA Leave:** Under Wisconsin law, an employee may choose to substitute any paid leave, including sick leave, for up to **six weeks** of FMLA leave for the birth or adoption of a child. Thereafter, under Federal law, the employee may choose or the employer may require staff members to substitute vacation, personal holiday, legal holiday, or compensatory time for FMLA leave. Under Wisconsin law, the employee may choose to substitute any paid leave, including sick leave, for up to **two weeks** of unpaid FMLA medical leave. Thereafter, under Federal law, the employee may choose or the employer may require staff members to substitute paid leave for unpaid FMLA medical leave. Under no circumstances will employees be entitled to FMLA leave in excess of the authorized 12 weeks as a result of the substitution of paid leave. Any leave, paid or unpaid, that is designated as leave under FMLA will count against the employee's FMLA entitlement. Employees should check with City's Payroll Officer in case of disagreement as to whether leave should be designated as FMLA leave.

**Intermittent leave or leave on a reduced work schedule:** Leave for medical purposes must be given only when there is a medical need for such leave which can best be accommodated through an intermittent or reduced leave schedule and the leave is being used for the employee's own serious health condition, or to care for a family member with a serious health condition. Family leave on an intermittent basis must be consistent with family leave requirements. Questions regarding the duration of any requested intermittent leave should be addressed to the City's Payroll Officer.

**Benefit Continuation:**

- Group Health Insurance: For employees on paid leave (e.g., annual leave or sick leave) under FMLA, group health insurance will continue as with any paid leave. For leave without pay under FMLA, the employee's insurance will continue as if the employee had been continuously employed. Employees will be advised of their individual eligibility for continuation of group health insurance under FMLA. Employees are required to pay the employee portion of health insurance premiums, if applicable, during unpaid leave under FMLA. Coverage will be terminated for employees who do not pay their portion of the cost of coverage.

In the event an employee's coverage is terminated due to non-payment while on leave, the employee may re-enroll upon return to work in whatever coverage was in effect prior to taking leave under FMLA. Coverage will be effective the first day the employee returns from leave under FMLA.

In the event an employee does not return to work for reasons other than the continuation, recurrence, or onset of a serious health condition which would entitle the employee to leave under FMLA, or other circumstances beyond the employee's control, the agency will collect from the individual the employer portion of cost of coverage payments incurred during the leave.

- **Benefits Accrued Prior to Leave:** Employees will not accumulate sick leave during leave without pay under FMLA. Sick leave or personal holidays which are not substituted for FMLA leave will be available to the employee upon return from leave.
- **Continuous Service:** Employees will continue to accrue continuous service for seniority purposes while on leave under FMLA. The time an employee is on FMLA leave (either paid or unpaid) will be treated as continuous service for purposes of vesting and eligibility to participate in the retirement plan. However, the time an employee is on unpaid FMLA leave will not be counted as creditable service for purposes of calculating retirement annuities.

**Return from FMLA Leave:** When returning from leave taken under FMLA, an employee will be returned to the same or equivalent position. However, an employee has no right under FMLA to return to the same position. If state law or a collective bargaining agreement governs an employee's return to work, those provisions shall be applied. Employees will be required to provide a fitness-for-duty certification signed by the employee's health care provider before returning to work from FMLA leave taken for the employee's own serious health condition. Failure to provide a fitness-for-duty certification upon request may result in denial of reinstatement until the required certification is provided.

**FMLA and Other Leave Benefit Provisions:** FMLA entitlement is coordinated with the provisions of the Wisconsin Family and Medical Leave Act (WFMLA), as well as leave benefits provided by the City or the applicable collective bargaining agreement. Leave qualifying under both laws will be counted against the employee's entitlement under both the federal and state laws, as well as towards the employee's entitlement under administrative rule or the applicable collective bargaining agreement.

Questions regarding the Family and Medical Leave Act should be referred to the City's Payroll Officer.

For a comparison of Federal and Wisconsin Family and Medical Leave laws please visit the following website:

[http://dwd.wisconsin.gov/er/family\\_and\\_medical\\_leave/publication\\_erd\\_9680\\_p.htm](http://dwd.wisconsin.gov/er/family_and_medical_leave/publication_erd_9680_p.htm)

Application form for Family/Medical Leave: <http://oser.state.wi.us/docview.asp?docid=1199>

## **SEC. 2-6-45 GENERAL LEAVE.**

Unpaid leaves of absences for reasons not specifically addressed in this handbook may be granted on case-by-cases basis at the discretion of the City Administrator and if leave is for over one month, approved by the Common Council.

**SEC. 2-6-46 JURY DUTY; COURT APPEARANCES.**

The City realizes the civic responsibility an employee has when summoned to serve as a juror. A copy of the jury summons must be submitted to the Department Head to be placed in the employee's file.

- (a) Any employee required to serve jury duty will be paid regular wages and shall turn over to the City Treasurer any monies, excluding mileage allowance, received as a result of such jury duty. An employee must give the City Administrator a copy of the Jury Summons. Any time an employee's attendance is not required for purposes of jury duty or witness service during the employee's regularly scheduled work hours, the employee must return to work as soon as circumstances will reasonably allow.
- (b) Pursuant to Sec. 103.87, Wis. Stats., employers may not discharge an employee for being absent from work in order to appear in court pursuant to a subpoena to testify in a criminal case. If a case involves the employer, the employee will be paid regular wages.

**2-6-47 RETURN TO WORK**

Credit toward health benefits will be earned if an employee is on leave under the Family and Medical Leave Act, Jury Duty or Military Duty.

Returning to work earlier than the scheduled termination of leave date must be arranged between the department head and the employee.

If, upon expiration of the approved leave of absence, the employee does not return to work, the employee will be considered as having resigned from the City.

**SEC. 2-6-48 BEREAVEMENT LEAVE.**

- (a) Employees are eligible for paid bereavement leave in the event of death in the immediate family.
- (b) Employees may take up to three (3) working days of paid bereavement leave with pay for the death of a father, mother, guardian, stepfather, stepmother, spouse, sister, brother, child, or grandchild.
- (c) Employees may take one (1) day of paid bereavement leave with pay for the death of a father-in-law, sister-in-law, brother-in-law, mother-in-law, son-in-law, daughter-in-law, grandparent, aunt, uncle or any other relative in the employee's household.
- (d) The funeral leaves provided for in this Section shall apply only to days that the employee is regularly scheduled to work and shall not apply to overtime hours or to days when the employee is on vacation, off for a holiday, on sick leave, military leave or on any other type of paid or unpaid leave of absence.
- (e) Additional time off without pay may be allowed to employees by the employee's department head when necessary to arrange for or attend the funeral of more remote members of the family listed in Subsection (b) and (c) Employees may substitute vacation leave or floating holiday(s) for unpaid leave.
- (f) Pay for paid bereavement leave shall be computed on a pro-rata basis at the regular hourly rate to a maximum of eight (8) hours for one day.

**SEC. 2-6-49 MILITARY LEAVE.** (Ord. 2005-24)

- (a) **Reserve Guard Training.** This type of leave applies to any full-time or regular part-time employee who requests time off to participate in the U.S. Armed Forces Reserves or National Guard training. The City will compensate the employee for the difference between his/her normal pay and the reserve pay during the period of the leave, if the duration of the leave is two weeks or less. A Department Head should submit the employee profile to the Payroll Officer if the leave is extended beyond two weeks. At the conclusion of the leave period, the employee will return to his/her original position.
- (b) **Active Duty.** This period of leave applies specifically to a period of time away from work for the reason of active military duty and should be granted to all employees, except those of temporary status. An active duty leave is considered an unpaid leave. It directly applies to any individual who enlists in the Armed Forces; is inducted into the Armed Forces under the Military Selective Service Act; or to any member of the Reserve component of the Armed Forces who voluntarily enters into active duty. It is not to be used for time off to determine physical fitness, or training, as these would be covered under the Reserve/Guard Training Section. The actual duration of this type of leave will vary. Re-enlistment for active duty beyond the period required by law will cancel the military leave.
  - 1. **Active Duty Differential Pay**
    - a. An active duty leave shall be compensated with a pay differential. The difference between the employee's military pay and city salary will be paid to the employee if the military pay is lower. This pay differential provision shall be reviewed by the Personnel Committee by July 3, 2006.
    - b. **Represented Employees.** For any City employee represented by a labor organization, the provisions in this section apply until the expiration date of existing collective bargaining agreements. Beginning on the date of the next negotiated agreement, the terms apply only if included in the collective bargaining agreement. If there is no existing agreement, the provisions apply only if provided by the terms of the represented employee's collective bargaining agreement.
- (c) To be entitled to reemployment rights as established by the Universal Military Training and Service Act and other applicable federal laws, the employee must:
  - (1) Satisfactorily complete the period of active duty.
  - (2) Be qualified to perform the duties of his/her original position. If he/she becomes disabled during military service, and cannot perform the duties of the previous job, the City will attempt to place the employee in a comparable position that he/she is able to perform.
  - (3) Make a timely application for reemployment after release. (Within 90 days after completion of service, or 31 days after completion of three months' initial active duty.)

**SEC. 2-6-50 PAYMENT OF WAGES.**

- (a) **Wages.** Salaries and pay ranges shall be as set forth in the annual salary ordinances as adopted by the Common Council.

- (b) **Pay Day.** The City shall pay wages every other Friday. Should a normally scheduled payday fall on a holiday, payment will be made on the day preceding. Employees should notify their immediate supervisor and the Payroll Officer if they believe there are errors in their paychecks.

## **SEC 2-6-51 TRANSPORTATION.**

- (a) **Purpose and General Policy.**

- (1) The purpose of this policy is to set forth the policies governing travel expenses and to describe certain procedural matters concerning travel authorization, documentation and accounting. This regulation is applicable for all travel expenses incurred on behalf of the City by employees, elected officials, and Board and Commission members.
- (2) There is no objection to a spouse and/or other family members traveling on an official trip, but no expenses attributable to them will be reimbursed by the City.
- (3) The City Administrator has the discretion to approve travel requests and advance of funds estimated, provided that adequate funds are available in the approved budget.
- (4) A travel advance, in an amount not to exceed the budgeted provision for the trip, may also be requested from the City Administrator. If the travel advance is for a conference or a training program, a descriptive brochure or announcement must accompany the travel advance request. Registration and tuition fees for unbudgeted, but professional meetings and conferences may be authorized and reimbursed at the discretion of the Common Council.

- (b) **City Vehicles.**

- (1) All City vehicles are pool vehicles. While a City vehicle may have a primary user, the vehicle is available for use by other employees who need a car to conduct City business.
- (2) City vehicles should be used for business when available. It is the policy of the City to reimburse for mileage only in situations where a municipal vehicle is not available. Under no circumstances will reimbursement be made for mileage associated with commuting, even if a use of a City vehicle would otherwise be permitted.
- (3) Employees using City equipment are expected to conduct themselves with the highest degree of safety, concern for citizens and professionalism. Fines or forfeitures incurred by an employee while operating a City vehicle due to traffic or parking violations shall be the responsibility of the employee and all fines, forfeitures or monies shall be paid by the employee.
- (4) Commuting to and from work in a City vehicle. With the exception of the Police Chief and the City Administrator, employees may not use a City vehicle for commuting purposes except for the following purposes:
  - (a) an evening, City related meeting;
  - (b) travel to a conference or training session that requires leaving from your residence;
  - (c) being on-call where there is a reasonable expectation that you would be called back to work that evening.
  - (d) any other purpose must be authorized on a case-by-case basis by the City Administrator.
- (5) **Tax Reporting.** Use of a City vehicle for commuting purposes generally is considered taxable income as it is personal use. Therefore, it must be documented on forms

provided by the City Treasurer's Office. A log of such personal mileage and date of the commuting must be recorded and submitted monthly to the Treasurer's Office for year end placement on the employee's W-2 form.

- (6) **Miscellaneous.** Gasoline, repairs and other expenses attributable to the vehicle are reimbursable and paid receipts must be submitted. Tolls, parking and garage charges are also reimbursable, but care should be exercised to select a parking facility that charges economical rates. Receipts must be submitted for reimbursement.
- (c) **Private Vehicles.**
- (1) Private vehicles may be used for travel on City business when City vehicles are not available. Reimbursement shall be limited to the current Internal Revenue Service mileage reimbursement amount plus tolls, parking and garage charges. When two or more people travel in the same vehicle, reimbursement shall be paid to the owner of the vehicle. Mileage determinations will be set according to the Rand-McNally Road Atlas or the Wisconsin Official Highway Map.
  - (2) Since the City assumes no responsibility when private vehicles are used beyond making a mileage reimbursement allowance, it is the employee's responsibility to protect against damage to his/her vehicle and legal liability in such form and amount as the employee deems adequate. In particular, the employee should consult with the insurance carrier and consider carrying liability insurance in such form and amount as the employee deems adequate to avoid a potential situation which could be a financial burden to the employee.
  - (3) Employees should not drive to meetings and conferences when the travel time enroute to the destination requires more than one day, unless the employee is utilizing holiday or vacation time. In such instances, no reimbursement will be made for any lodging, meals, or other expense incurred enroute, except as allowed in Subsection (c)(1) above.
- (d) **Commercial Transportation.** Commercial carrier fares shall be limited to "coach" or "economy" fares when such services are the most feasible and are approved by the City Administrator. Travel to and from train stations and airports may be by bus, hotel limousine, taxi, or private vehicle (for which mileage will be paid), whichever is less costly. When possible, travel arrangements should be made by the City and billed directly to the City. Receipts for transportation costs are required if reimbursement is requested.
- (e) **Meals Allowance.** When authorized functions away from the City include meals, reasonable expenses for meals will be paid according to City Policy CC-17 and as approved by the City Administrator.
- (f) **Lodging.**
- (1) Lodging should be secured at moderate rates. Receipts are required. Reimbursement shall be limited to the minimum number of nights required to conduct the assigned City business
  - (2) If a spouse and/or other family member travels on an official trip, reimbursement shall be limited to the single rate for the room occupied.
  - (3) No lodging expense shall be reimbursed for one (1) day meetings or conferences held within reasonable driving distance of the City unless prior approval is obtained from the City Administrator.
- (g) **Receipts.** Receipts, to be filed with the City Administrator within one week of the expense, are required for the following expenses in order to receive reimbursement:

- (1) Fuel, repairs and expenses for City vehicles.
- (2) Tolls, parking and garage charges.
- (3) Lodging, if previously authorized by the City Administrator.
- (4) Registration and tuition fees, if previously authorized.
- (5) Meals.
- (6) Extraordinary expenses not covered by these regulations.

**SEC. 2-6-52 LONGEVITY BONUS.** (Ord. 2003-42)(Ord. 2011-02)

- (a) Regular full-time employees shall be entitled to an annual longevity bonus on the basis of sixty three dollars (\$63.00) for each complete calendar year of continuous service to be payable the first pay date of December. Regular full-time employees hired after December 31, 2010 will first be eligible for the longevity benefit after ten (10) years of service. (Ord. 2011-02)
- (b) Regular part-time employees shall be entitled to an annual longevity bonus on the basis of one-half of the amount allocated in (a) above for each complete calendar year of continuous service, to be payable the first pay date in December. Regular part-time employees hired after December 31, 2010 will first be eligible for the longevity benefit after ten (10) years of service. (Ord. 2011-02)
- (c) Continuous service shall not include any period of unpaid leaves of absence, except unpaid leaves of absence caused by injury or illness, in excess of thirty (30) days, nor any unpaid leave of absence caused by injury or illness in excess of forty-five (45) days.
- (d) In the event such employee retires during the year, such employee shall receive the above longevity bonus pro-rated on the basis of the number of months of the current year worked up to the date of retirement.

**SEC. 2-6-53 UNIFORM/CLOTHING ALLOWANCE.**

The Chief of Police and the Lieutenant of the Police Department shall be entitled to an annual uniform allowance in such amount as authorized by the Common Council.

**SEC. 2-6-54 TEMPORARY EMPLOYEE BENEFITS.**

Temporary help receive wages but no additional benefits from the City.

**SEC. 2-6-55 THROUGH SEC. 2-6-69 RESERVED FOR FUTURE USE.**

## ARTICLE E

### Discipline, Rules and Employee Communications Procedures

#### **SEC. 2-6-70 POLITICAL ACTIVITIES BY CITY EMPLOYEES.** (Ord. 2000-18)

- (a) **Interference With Duties.** City employees shall not engage in political activities to such an extent that their participation distracts from the performance of their employment duties. No City employees, during the hours that they are on duty, may engage in political activities. City employees engaged in political activities while off duty should clearly act as private individuals and not convey the impression that they are acting in their official capacity as City employees.
- (b) **Contributions.** An employee may voluntarily contribute money or services to a candidate, campaign, party, group or cause. Solicitation of contributions of money or services during working hours is prohibited.
- (c) **Campaign Work.** An off-duty employee may voluntarily circulate nomination papers, petitions, distribute campaign literature, type, stuff envelopes and perform other clerical services, telephone and convey voters to the polls, and participate in a political convention, meeting, rally, demonstration, or parade. Campaign work of the nature listed under this heading is prohibited during working hours and is further prohibited off duty by any employee in a City uniform or wearing a City badge. Use of City property for campaign work is prohibited. The use of campaign or political paraphernalia on City owned vehicles, equipment, buildings, or other City property is prohibited.

#### **SEC. 2-6-71 OUTSIDE EMPLOYMENT.**

- (a) **Approval Required.** A full-time or regular part-time employee wishing to hold an outside job shall notify in writing the City Administrator before accepting the position.
- (b) **City as a Primary Employer.** The City is the primary employer of full-time employees and at no time can outside employment activities impair the efficiency and ability of the employee to perform the duties of the job effectively, or present a conflict of interest to the City. Upon reviewing the situation, the City Administrator may revoke the outside employment approval on a permanent or temporary basis depending on the circumstances.
- (c) **Full Disclosure Required.** An employee is required to fully disclose the outside employment including the employer's name and address, the nature of work to be performed and the hours per week that the employee will engage in outside employment. (adopted 5/8/00)

#### **SEC. 2-6-72 WORK PLACE VIOLENCE.**

It is the City's policy to promote a safe environment. The City is committed to working with its employees to maintain a work environment free from violence, threats of violence, harassment, intimidation, and other disruptive behavior.

- (a) **Reports of Incidents.** Violence, threats, harassment, intimidation, and other disruptive behavior in our workplace will not be tolerated. All reports of incidents will be taken seriously and will be dealt with appropriately. Such behavior can include oral or written

statements, gestures, or expressions that communicate a direct or indirect threat of physical harm. Individuals who commit such acts may be removed from the premises and may be subject to disciplinary action, criminal penalties, or both.

- (b) **Appropriate Action.** The City needs the cooperation of all employees to implement this policy effectively and maintain a safe working environment. Do not ignore violent, threatening, harassing, intimidating, or other disruptive behavior. If you observe or experience such behavior by anyone on City property, or while on City business, report it immediately to a supervisor or manager. Supervisors and managers who receive such reports should seek advice from the City Administrator regarding investigating the incident and initiating appropriate action. **Threats or assaults that require immediate attention by security or police should be reported to the police at 911.**

The City supports all efforts made by supervisors and managers in dealing with violent, threatening, harassing, intimidating or other disruptive behavior in our workplace and will monitor whether this policy is being implemented effectively.

## **SEC. 2-6-73 ELECTRONIC COMMUNICATIONS.**

The Internet, electronic mail, and telecommunication access are resources made available to City employees to communicate with each other, other governmental entities, vendors/suppliers and individuals for the benefit of the City. The use of electronic communication systems such as computers, pagers, e-mail, voice mail, facsimile machines, etc., by employees is a privilege to be used in a responsible manner, and not in any way that is illegal or disruptive to others. Improper usage can result in revocation of use, and discipline, up to and including discharge. No user of the City of Cedarburg computer information may, without authorization, destroy, alter, dismantle, disfigure or disable information.

The City's Internet, E-mail communications and telecommunications resources are not private. The City reserves the right to access an employee's activities on its electronic communication systems at all times and without notice. (Ord. 2002-29)

- (a) **Telephones.** Employees shall observe the rules of telephone courtesy in receiving or placing calls. Employees are permitted to use City telephones for personal reasons, but are to limit such use to instances of necessity. Toll calls for personal reasons may be made at the employee's expense. Voice mail messages should be listened to and responded to in a timely manner.
- (b) **Software.** Computer systems are the sole property of the City and are to be used for business purposes. Only software approved by the City is allowed on the City's computer system. No employee shall copy any software owned or licensed by the City, nor install any personally owned software on any City-owned computer, except with permission of the City. Video and computer games may not be used during working hours.
- (c) **E-mail.** Those permitted access to the E-mail system are responsible for using it in an effective, ethical and lawful manner. E-mail is subject to Wisconsin Public Records Law and compliance with records management practices. Appropriate precautions should be taken to detect viruses and prevent its contamination. Confidential, chain letters and sensitive issues should not be communicated via E-mail. E-mail should not be used to make

discriminatory or harassing statements, vulgarities or obscenities. An employee's E-mail may be monitored.

- (d) **Internet.** The primary use of the Internet is to support and enhance research and information capabilities, and the sharing of information resources within the network users. No one may use the resources of the Internet for personal financial gain or to support or advocate for non-City related business purposes. All use of the Internet must comply with all applicable laws and policies (federal, state and local, in addition to City policies). Personal use shall be limited to non-business hours or breaks and shall not be excessive. Downloading and/or transmitting copyrighted, licensed, fraudulent, harassing, obscene, and sexually explicit or hate messages or materials and software are strictly prohibited.

#### **SEC. 2-6-74 PERSONAL MAIL.**

Employees shall not use the addresses of City Municipal Buildings or offices for receipt of personal mail and other deliveries nor shall they use City postage machines, mailing labels, stationery, and out-going mail.

#### **SEC. 2-6-75 ABSENTEEISM AND TARDINESS.**

- (a) **Notice of Absence.** If an employee is unable to report to work at the scheduled time, he/she shall notify or cause the notification of their immediate supervisor by telephone or messenger. Sworn police personnel must notify their supervisor a minimum of one (1) hour before the scheduled workday. General personnel must notify their immediate supervisor at least fifteen (15) minutes before the start of the scheduled workday.
- (b) **Failure to Provide Proper Notification.** Any employee who fails to provide the foregoing notification shall not be compensated for that day unless the employee can show that circumstances beyond his control affected the ability to provide the proper notification. Excessive absence or tardiness may result in discipline up to and including termination.
- (c) **Inclement Weather Absences.**
  - (1) When weather conditions make it impossible for any employee to get to work, the employee's immediate supervisor shall be contacted by telephone to request permission to be excused from work. In such case, the employee may use accrued vacation leave, floating holiday or compensatory time, or may be granted leave without pay for the time lost. At the discretion of the supervisor, the time lost from work may be made up during the current or next pay period on an hour-for-hour basis at the employee's regular rate of pay (not overtime).
  - (2) Any employee who reports to work late during inclement weather conditions, after an earnest effort to arrive on time, may, at the discretion and scheduling of their supervisor, be allowed to make up the time lost at their regular rate of pay during the current or next pay period.
  - (3) In case of hazardous weather conditions such as a blizzard, where the health and safety of employees are threatened, the City Administrator may direct that all nonessential employees either not report for work or leave work early. The hours lost by leaving work early may be made up or charged against accrued leave, as provided.

**SEC. 2-6-76 NON-HARASSMENT.** (Ord. 2000-18) (Ord. 2007-19)

The City is committed to ensuring a productive work environment that is free of harassment and other forms of discrimination. The City will not tolerate any form of unwelcome harassing behavior by elected officials, coworkers, supervisors, customers, citizens, vendors or agents. Employees should promptly report any incidents in accordance with the procedure outlined below.

- (a) **Definition.** Each employee has a responsibility to keep the workplace free of any form of harassing behavior. No form of race, national origin, religion, disability, pregnancy, age, arrest and conviction record, military status, marital status, sex or sexual orientation harassment will be tolerated. The City expects the full cooperation of every elected official, administrator, department head, supervisor and employee in making this policy effective.
- (b) **Examples** of behavior in violation of this policy include, but are not limited to:
- (1) Verbal harassment such as indecent or belittling comments, jokes or references, and offensive personal references; and/or
  - (2) Unwanted physical contact of any kind, obstructing or blocking movement, or any physical interference with normal work or movement; and/or
  - (3) The display in the workplace of derogatory gestures, posters, cartoons, drawings, or calendars; and/or
  - (4) Demeaning, insulting, intimidating or suggestive written or e-mail transmitted messages; and/or
  - (5) Threatening adverse employment actions if sexual favors are not granted or promising preferential treatment in return of sexual favors.

Because of the inherent ability or perception of elected officials, administrators, department heads and supervisors to affect tenure, promotions and the terms and conditions of employment of their subordinates, any sexual advances, requests for sexual favors and other verbal and physical conduct of a sexual nature between these individuals and their subordinates should be avoided.

- (c) **Complaint Procedure.** Any person who feels that he or she has been subject to or witnessed unwelcome behavior should report this conduct **immediately** to his or her supervisor, city administrator, or department head at once. If the complaint involves your immediate supervisor, you should report directly to the city administrator or a department head. Every effort will be made to ensure confidentiality.
- (d) An employee should utilize the City's internal reporting procedure first. However, if after utilizing the complaint procedure, the complainant does not feel the complaint has been adequately addressed, the employee may file a complaint with either or both of the following:
- State of Wisconsin Equal Rights Agency  
201 East Washington Avenue  
Madison, WI 53703  
Phone: (608) 266-6860
  - Equal Employment Opportunity Commission  
201 Martin Luther King Boulevard  
Madison, WI 53703  
Phone: (608) 266-4910

- (e) **Responsibility.** Department Heads, administrators and supervisors are responsible for being able to recognize incidents of harassment and to take appropriate action, including notification to the City Administrator or a department head. Management is expected to inform their employees that harassment in any form will not be tolerated and that employees have the right to submit allegations of harassment to their supervisor, administrator or a department head. Management is expected to handle all reports of notification of harassment on a respectful and confidential basis. Employees are responsible for promptly informing the city administrator or a department head of any occurrences of harassment.
- (f) **Investigative Procedure.** When an individual submits a complaint, he or she may be asked to provide information regarding the incident(s), including the identity of the harasser, the date(s) of the incident, the conduct giving rise to the complaint, and witnesses, if any, to the alleged conduct. All complaints will be investigated promptly and in as impartial and confidential a manner as possible. The complaint and investigation will be thoroughly documented and only those who need to know about such a complaint will be advised of its existence. Employees are required to cooperate in any investigation. A timely resolution of each complaint will be reached and in all cases, the employee submitting the claim will be advised as to the outcome of the investigation.
- (g) **Disciplinary Procedure.** If it is determined that the person charged has violated the Non-Harassment Policy, such person will be subject to appropriate disciplinary action, up to and including termination of employment. Action will be determined at the City's sole discretion. The City reserves the right in each case to differentiate between violations and situations on whatever basis it considers appropriate and to take such action as it believes to be in the best interests of the parties and the City based on all the facts and circumstances of the case.
- (h) **Retaliation.** Retaliation in any form against an employee who exercises the right to make a complaint is strictly prohibited, and will in itself constitute a basis for disciplinary action, regardless of whether the retaliation is or is not carried out. Any employee, in the judgment of the City, who knowingly or maliciously makes a false allegation of harassment, may be subject to discipline.

#### **SEC. 2-6-77 USE OF CITY, EQUIPMENT, SUPPLIES, TOOLS AND UNIFORMS.**

- (a) City equipment, supplies, tools and uniforms shall not be used for private or unauthorized purposes.
- (b) Employees shall be responsible for the proper care and use of City equipment, supplies, tools and uniforms; and shall promptly report to their department head all accidents, breakdowns or the malfunction of any equipment so that the repairs may be made.

#### **SEC. 2-6-78 MISCONDUCT-UNACCEPTABLE PERFORMANCE.**

- (a) The continued employment of City employees shall be contingent upon acceptable conduct, satisfactory job performance and compliance with the rules and regulations set forth by the City Administrator and the Personnel Code. Failure to display acceptable job performance or the violation of the rules and regulations shall be cause for disciplinary action including reprimands, suspension without pay, or dismissal. The exact form of discipline shall depend on the

seriousness of the offense committed.

- (b) **Conduct Guidelines.** It is the City's policy to place as few restraints and restrictions on an employee's conduct as are possible. However, there must be certain guidelines for the protection of all employees, the City, and its residents. The following conduct guidelines are not exclusive.
- (1) Maintain honesty at all times.
  - (2) Report accurate information on employment application, timesheets, timecards and all other records. Falsifying documents is sufficient cause for termination.
  - (3) Observe scheduled start times and lunch hours. Tardiness or absenteeism must be avoided whenever possible.
  - (4) Never report to work under the influence of drugs or alcohol. Use or possession of intoxicating beverages without permission or use or possession of illegal drugs on City property are prohibited.
  - (5) Avoid using profane, obscene or abusive language while on City property.
  - (6) Treat clients and coworkers with dignity and respect.
  - (7) Follow job instructions by carrying out assignments accurately and completely when requested by an authorized person.
  - (8) Respect equipment and co-workers' valuables and possessions. Stealing or unauthorized use of City's equipment or possessions is prohibited.
  - (9) Comply with ethics code.
  - (10) Observe safety procedures.
  - (11) Perform job with care and consideration of safety of others.
- (c) The City reserves the right to impose whatever discipline is appropriate based on the situation. In addition, violation of the following rules shall also be considered misconduct and shall be considered cause for disciplinary action including dismissal depending on the severity of the violation.
- (1) All employees shall observe all City ordinances and shall exercise reasonable care when driving any City vehicles.
  - (2) All employees shall be courteous at all times in dealing with the public. Employees should, when necessary, listen carefully to complaints and refer them to the proper individual for action.
  - (3) Any employee involved in an accident involving City vehicles shall immediately notify the Police Department. Vehicles should not be moved until Police arrive.

#### **SEC. 2-6-79 DRESS CODE.**

Employee dress should be neat in appearance and in a manner consistent with the City's professional atmosphere; keeping in mind the impression made on citizens, visitors and other employees.

Employees are expected to be neat, clean, professionally attired and well groomed at all times. Nails should be neatly trimmed and only fingernail polish that is in keeping with business dress should be worn. Pierced parts of the body, other than ears, may not be used to display jewelry at the workplace. Tattoos should be covered at the workplace.

#### **SEC. 2-6-80 SMOKING.**

In keeping with the City's intent to provide a safe and health work environment, smoking inside City facilities and vehicles are not permitted at any time. The City is dedicated to providing a healthy, comfortable and productive work environment for ALL employees.

In order to protect all of our employees, the City has instituted a smoke free work environment. Smoking and the use of tobacco products is banned in all City offices including break-rooms, vehicles, offices, building entrances, landings and restrooms. Employees and customers are expected to honor the smoke free policy at all times.

## **SEC. 2-6-81 EMPLOYEE RECORDS.**

- (a) **Personnel Files.** The City Clerk, under the general supervision of the City Administrator, shall maintain confidential personnel folders for all City employees, including those employees represented by a labor organization and covered by a written labor agreement, and keep on file therein all information pertaining to employment or service records of such employees and officials, such folders and records therein to be kept in locked file and to be retained after termination of employment or service.
- (b) **Medical Records.** All medical records will be kept in locked file separate from personnel records. Such records are subject to statutory confidentiality requirements.
- (c) **Access by Others to an Employee's Personnel File.**
  - (1) Only the City Administrator, City Treasurer, Mayor, City Attorney, the employee's department head and members of the Common Council acting on official City business are permitted to have access to personnel records of City employees. Elected officials should consult with legal counsel before reviewing files because of their due process responsibilities.
  - (2) Employment information will not be released without the authorization of the individual concerned, except for the following:
    - a. "Directory" information, which consists of verification of employment or past employment; dates of employment; position held; or, location of employment.
    - b. When required as part of an established statutory reporting procedure.
    - c. To protect the legal interests of the City when the actions of an individual appear to violate the conditions of employment or threaten physical injury to members of the public, to other employees, or to City property.
    - d. In response to a court order, administrative summons, search warrant, or subpoena.
    - e. When requested as part of an appropriate governmental inquiry into the City's employment practices.
  - (3) With the exception of Subsections (c)(1) and (2), the City Administrator or City Clerk shall reveal no information to others, without the employee's signature on a release. This applies to requests for information from anyone or any organization, including other government agencies.

State Law Reference: Sec. 103.13, Wis. Stats.

## **SEC. 2-6-82 SEARCH POLICY.**

In support of the City's commitment to the protection of all employees, operations and the public, the City may conduct searches to the extent considered appropriate to ensure the safe and efficient operation of the City's facilities. Entry onto City property, including parking areas, is deemed consent to an inspection of person, vehicle, personal effects and electronic devices and equipment at any time while entering, on, or leaving the property. Inspections will be conducted at the discretion of the City.

The City reserves the right to search any person entering onto its property or off site while employed, or while performing services for the City. The City also reserves the right to search property, equipment and storage areas including, but not limited to, clothing, personal effects, vehicles, buildings, rooms, facilities, offices, parking lots, desks, drawers, devices, cabinets, lunch boxes or bags, parcels, electronic devices and equipment. Any items that you do not want to have inspected should not be brought to work.

## **SEC. 2-6-83 ALCOHOL AND DRUGS.**

Possession, selling, using or being under the influence of drugs or alcohol on City property and while on City business is prohibited.

Any employee violating this rule will be immediately terminated or subject to other disciplinary action which the City Administrator, in his or her sole discretion, deems appropriate based on each incident.

Any employee who refuses alcohol or drug screening pursuant to this policy shall be subject to termination.

- (a) **Unfit Condition.** If an employee is observed in an unfit condition, in terms of not being able to perform work safely or in a productive manner, a supervisor shall immediately report the observation to the department head or City Administrator. If deemed appropriate, a City representative and a witness shall initiate the search procedure and, if appropriate, escort the employee to an off-site medical facility for alcohol/drug screening which will subsequently be analyzed by a certified testing laboratory.
- (b) **Incident on Duty.** When an employee becomes involved in an incident affecting person or property while performing services for the City, a supervisor shall immediately report the incident to the department head or City Administrator. If deemed appropriate, a City representative and a witness shall initiate the search procedure and, if appropriate, escort the employee to an off-site medical facility for alcohol/drug screening using a test kit which will subsequently be analyzed by a certified testing laboratory.
- (c) **Reasonable Suspicion.** Screening may also be conducted when it is believed or suspected that an employee's job performance including, but not limited to, productivity, deteriorating performance, safety or attendance is related to an alcohol or drug-related problem. Prior to any action under this provision, the employee's supervisor should immediately report the observation or suspicion to the department head or City Administrator. If deemed

appropriate, a City representative and a witness shall initiate the search procedure and, if appropriate, escort the employee to an off-site medical facility for alcohol/drug screening using a test kit which will subsequently be analyzed by a certified testing laboratory.

- (d) **Searches Related to Drugs/Alcohol.** Conditions under which searches will be considered include when an employee is found to be in “Unfit Condition,” when an employee is involved in an “Incident on Duty,” or if the City has a “Reasonable Suspicion” that alcohol or drugs may be possessed by an employee in violation of the City’s policy. Searches may include lockers, vehicles, personal effects from pockets, handbags, etc. (See Sec. 2-6-82).

## SEC. 2-6-84 GRIEVANCE PROCEDURES.

(a) **Definitions.**

- (1) A "Grievance" is a complaint an employee may have about workplace safety, discipline and termination. This policy applies to all employees covered under Section 66.0509, Wis. Stats., other than police employees subject to Section 62.13(5), Wis. Stats. An employee may appeal any level of discipline under this grievance procedure.
- (2) "Workplace Safety": means any alleged violation of any standard established under state law or rule or federal law or regulation relating to workplace safety, including the City of Cedarburg Safety Manual.
- (3) "Discipline": means any employment action that results in disciplinary suspension without pay, disciplinary reduction in pay or other benefits, disciplinary demotions and terminations. The term "discipline" does not include verbal notices or reminders, written reprimands, performance evaluations, documentation of employee acts and/or omissions in an employment file, non-disciplinary job reassignments, non-disciplinary adjustments to compensation or benefits or actions taken to address job performance for non-disciplinary reasons.
- (4) "Termination": means a discharge from employment for rule violations, poor performance, acts detrimental to the employer or other acts of misconduct. The term "termination" does not include: a voluntary quit, completion of seasonal employment, completion of temporary assignment, completion of contract, layoff or failure to be recalled from layoff at the expiration of the recall period; retirement, job abandonment ("no call, no show" or other failure to report to work); or termination of employment due to inability to perform the job, medical condition, lack of qualification or license, or any other cessation of employment not involving involuntary termination.
- (5) "Hearing Officer": means the impartial hearing officer required pursuant to s. 66.0509(1m)(d)2, Wis. Stat. The City will provide a hearing officer who shall not be an employee, official or agent of the City.
- (6) "Employee": does not include employees covered under a collective bargaining agreement, elected officials, statutory political appointees; temporary, seasonal, part-time employees or independent contractors.

(b) **Procedure.** The Parties may mutually agree in writing to waive a step or extend time limits within the procedure.

- (1) Step One. The employee should meet with their direct supervisor in an effort to resolve

- any questions, problems and misunderstandings that have arisen.
- (2) Step Two. If resolution does not occur at Step One, the employee shall notify his department head in writing within ten (10) working days following the day the employee first became aware of the particular problem or complaint. The employee shall be specific that they want to enter a grievance. If such grievance is not presented within the specified time period, it shall then be deemed waived. Within ten (10) working days after receiving the grievance, the department head shall investigate the complaint and meet with the employee. Within ten (10) working days after the meeting between the employee and the department head, the department head shall provide a written response.
  - (3) Step Three. Where an employee does not have an immediate supervisor, or does not agree with the Department Head's decision, the grievance shall be submitted in writing to the City Administrator. Within ten (10) working days after receiving the grievance, the City Administrator shall investigate the complaint and meet with the employee. Within ten (10) working days after the meeting between the employee and the City Administrator, the City Administrator shall provide a written response. Step Three does not apply to Light and Water employees or Library employees.
  - (4) Step Four. The employee may request an appeal to a Hearing Officer by filing a written request with the City Clerk within 10 days of receiving the written response. The City Clerk shall notify the Mayor, City Administrator, City Attorney and employee's Department Head about the filing of the request for a hearing as soon as practicable. The City Administrator will work with the hearing officer, department head and grievant to schedule a mutually agreeable hearing date. Any expense incurred by an employee in investigating, preparing, or presenting a grievance shall be the sole responsibility of the employee. Each party (employee and employer) shall bear its own costs for witnesses and all other out-of-pocket expenses, including possible attorney fees. The fees of the impartial hearing officer shall be divided equally between the parties.
  - (5) Step Five The decision of the impartial hearing officer shall be made within 30 days and be final unless either party files with the City Clerk a request for the decision to be reviewed by the Final Appeal Board no later than five (5) working days of the date of the decision issued under Step 4 above. For Library Employees the final appeal shall be to the Library Board and for Light and Water Employees the final appeal shall be to the Light and Water Commission. For all other employees the Final Appeal Board is the Common Council. The Final Appeal Board shall review the matter as soon as practicable and in accordance with procedures for public participation. The Final Appeal Board shall examine any records produced at the hearing before the hearing officer and determine whether a rational basis exists for the hearing officer's written decision. The Final Appeal Board shall not conduct a de novo hearing. A simple majority vote of the Final Appeal Board membership shall decide the appeal and shall be final. The Final Appeal Board may sustain, deny or modify the recommendation of the impartial hearing officer. The decision must be made within 45 days and shall be final and binding. A copy of the Decision shall be provided to the employee and filed with the City Clerk. (Ord. 2011-17)

**SEC. 2-6-85 THROUGH SEC 2-6-89 RESERVED FOR FUTURE USE.**

## ARTICLE F

### Retirement and Resignation

#### **SEC. 2-6-90 RESIGNATION.** (Ord. 2000-23)

- (a) An employee shall file a written letter of resignation to his supervisor and the City Administrator stating the reason(s) and the effective date of the resignation. Employees shall provide written notice a minimum of ten (10) working days prior to their termination date.
- (b) The workdays required for proper notice shall exclude vacation and holidays and any other paid time off. Failure to provide the proper notice of resignation as identified in this section shall cause the employee's personnel record to indicate that the employee did not leave the City in good standing. The City retains the right to waive the resignation notice requirement if it is in the best interest of the City to do so. If sufficient notice is not given, the employee will not be entitled to accrued vacation pay as wages.

#### **SEC. 2-6-91 DISPOSITION OF THE FINAL PAYCHECK.** (Ord. 2000-23)

- (a) The final paycheck for employees who have retired, resigned or been dismissed shall be computed and mailed to the employee at the address of record, or if the employee prefers, ready to be picked up in the City Treasurer's Office only on the regular scheduled pay day following the termination date. The final paycheck shall also include payments for accrued wages.
- (b) All deductions for amounts owed by the employee to the City have been computed and deducted from the final paycheck.

#### **SEC. 2-6-92 FINAL COMPENSATION UPON DEATH OF AN EMPLOYEE.** (Ord. 2000-23)

If an employee dies, the City may pay all wages due the employee to his or her spouse, children, parent, brother, sister or creditors (in that order of priority) after at least five (5) days have passed after death and before probate proceedings have commenced. In any case, the wages become due and payable upon death, and if the employee's spouse, children or dependent demands them before the employer has voluntarily made payment, the City shall pay them to that person. In either case, payment constitutes a full discharge of the employer's obligation. The amount of wages due includes unused vacation allowances.

State Law Reference: Section 109.03(3), Wis. Stats.

**The City reserves the right to change, add, delete or suspend any of its policies and procedures stated herein, in whole or in part, at any time, with or without notice.**

## CHAPTER 7

### Municipal Court

#### **SECTION 2-7-1 MUNICIPAL COURT.** (Ord. 2002-35)

- (a) **Municipal Court.** Pursuant to Chapter 755, Wis. Stat. and the Agreement for the Operation of the Municipal Court (“Agreement”) the Mid-Moraine Municipal Court was created (“Municipal Court”). A copy of the Agreement is on file with the City Clerk. The City of Cedarburg joined the Municipal Court effective January 1, 2003.
- (b) **Court Administrative Committee.**
1. **Composition.** Each of the participating municipalities shall designate one member and one alternate member to the Municipal Court Committee. The City Administrator shall be the representative on the Court Administrative Committee for the City of Cedarburg, with the City Clerk as the alternate member.
  2. **Powers and Duties.** The Administrative Committee shall have general control over the operation of the court, except where specifically granted to the Judge or governing bodies by statute, in which case the Administrative Committee shall be a recommending agency. The Administrative Committee shall be responsible for initial selection of the Clerk of the Municipal Court, subject to appointment by the Judge, shall be responsible for the setting the salaries of the Judge, Clerk, and Deputy Clerk, and shall be responsible for preparing an annual budget for the operation of the court.
- (c) **Municipal Court Judge.**
1. **Qualifications.** The Municipal Court shall be under the jurisdiction of and presided over by a Municipal Judge, who shall be an attorney licensed to practice law in Wisconsin, and who resides in any of the Member Municipalities as defined in the Agreement.
  2. **Election and Bond.** The Municipal Judge shall be elected at large in the Spring Election for a term of two (2) years commencing on May 1 of the year of his or her election. The governing bodies of the Member Municipalities shall provide for a primary election in the event that more than two (2) candidates file nomination papers for the position of Municipal Judge. The Mid-Moraine Judge shall, after election, or appointment to fill a vacancy, take and file the official oath as prescribed in Sec. 757.02(1) Wis. Stats., and at the same time execute and file an official bond in the amount of \$2,500. The Judge shall not act until the requirements of Sec. 757.03(2) have been complied with and the oath and bond have been filed as required by Sec. 19.01 Wis. Stats., and
  3. **Hours.** The Municipal Court shall be open at such times as the Municipal Judge determines, subject to the Agreement.
  4. **Contempt.** The Municipal Judge may impose forfeiture for contempt of court and jail sentence for nonpayment of the forfeiture and any applicable assessments, under Sec. 800.12(2), Wis. Stats.
  5. **Jurisdiction.** The Municipal Court shall have jurisdiction over action in the municipalities that are parties to the Agreement. This section shall be construed to limit neither the jurisdiction of the Municipal Court nor the authority of the

Municipal Court to impose penalties under the Wisconsin Statutes.

(d) **Service Fees.**

1. Service Fees. Pursuant to the provisions of Wis. Stats. §§814.70, 814.705 and 814.71, the City of Cedarburg Police Department shall charge a service fee of \$35 when the City Police serve a warrant or commitment order upon a person. The person served with the warrant or commitment order shall be responsible for the payment of the warrant or commitment order service fee. The service fee may be collected as a court cost through the court.
2. Multiple Warrants. The City of Cedarburg Police Department shall charge a separate fee for each warrant or commitment order served on a person.
3. Disposition of Fees. Upon collection by the court, all warrant or commitment order service fees shall be forwarded by the court to the City of Cedarburg. (Ord. 2010-01)

State Law Reference: Section 755, Wis. Stats.