

CODE OF ORDINANCES
Town of Willard, Rusk County, Wisconsin

CHAPTER 2
TOWN OFFICIALS

2.01 VILLAGE POWERS ORDINANCE

- (1) TITLE AND PURPOSE.** This ordinance is entitled the 'Town of Willard Village Powers Ordinance'. The purpose of this ordinance is to document the duties and functions of the Village Powers Ordinance for members of the public and the Town Clerk.
- (2) AUTHORITY.** The Town Board, with certain actions of the annual Town meeting or any special Town meeting in the Town of Willard, pursuant to Chapter 60, Wisconsin Statutes, may obtain, by Resolution, the right for the Town Board of the Town to exercise, pursuant to Chapter 60, Wisconsin Statutes, powers of a Village Board under Chapter 61, Wisconsin Statutes, except that the Town Board cannot exercise those Village Board Powers which conflict with statutes relating to Towns and Town Boards. This Resolution, by the Town meeting, is to be general and continuing. This grant of legislative and administrative power to the Town Board is to be known as 'Village Powers'.
- (3) ADOPTION OF ORDINANCE.** The Town meeting of the Town of Willard dated April 18, 1995, did authorize, by adoption of a Resolution, and the Town Board of the Town does, by adoption of this ordinance, confirm that the Town Board has the specific authority, powers, and duties noted above in Chapters 60 and 61, Wisconsin Statutes, and has established pursuant to these chapters and this ordinance the powers, and duties of the Town Board to exercise Village Board Powers pursuant to Chapters 60 and 61, Wisconsin Statutes, and subject to the conditions established in Chapter 60, Wisconsin Statutes. The current Resolution and any further Village Powers Resolutions are set forth as Appendix C.

2.02 TOWN BOARD GENERAL ORDINANCE

- (1) TITLE AND PURPOSE.** This ordinance is entitled the 'Town of Willard Town Board General Ordinance'. The purpose of this ordinance is to set forth the powers, and duties of Town officials, and document them for the public as well as members of the Town Board.
- (2) AUTHORITY.** The Town Board has the specific authority under Chapter 60, Wisconsin Statutes, and the Town's Village Powers to adopt and enforce this ordinance.
- (3) ADOPTION OF ORDINANCE.** The Town Board has, by adoption of this ordinance, confirmed the specific statutory authority, powers, and duties of the Town Board established in Chapter 60, Wisconsin Statutes, and has established, pursuant to the above-noted chapter and this ordinance, other statutory authority, powers, and duties of the Town Board to manage and direct the affairs of the Town.
- (4) SEVERABILITY.** If any provision of this ordinance is invalid or unconstitutional, or if the application of this ordinance to any person or circumstances is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the provision or applications of this ordinance which can be given effect without the invalid or unconstitutional provision or application.
- (5) TOWN BOARD.**
- (a) Number of Members of Town Board.** The Town Board shall consist of three members. The Town Board shall be designated the 'Town Board of the Town of Willard'.
 - (b) Quorum of Town Board.** A legal quorum of a Town Board is a majority of the members of the Town Board. The current Town Board consists of three (3) members, of which two (2) members shall be a legal quorum when they are in attendance at any duly called and any duly authorized public meeting of the Town Board.
 - (c) Meeting of Town Board.** A meeting of the Town Board may be held within the Town or in any town, city, or village within twenty (20) miles of or adjoining the Town of Willard, subject to the open meeting provisions of Wisconsin Statutes.
- (6) SPECIFIC STATUTORY AUTHORITY, POWERS, AND DUTIES**
- (a) Charge of Town Affairs.** The Town Board has charge of all affairs of the Town, not committed by law to another body, officer, or a Town employee.
 - (b) Charge of Actions.** The Town Board has charge of any action or legal proceeding to which the Town of Willard is a party.
 - (c) Pursue Claims of Town.** The Town Board shall demand payment of penalties and forfeitures recoverable by the Town, and damages incurred by the Town due to breach of any official bond, any injury to property, or other injuries. If following demand by the Town Board, payment is not then made, the Town Board shall pursue appropriate legal action to recover the appropriate penalty, forfeiture, or damages.
 - (d) Joint Participation Agreements.** The Town Board may cooperate with State, County, or other units of government in Wisconsin, including cooperative arrangements involving the acquisition, development, remodeling, construction, equipping, operation, and maintenance of land, building, and facilities for regional projects whether or not located in the Town. The Town Board may participate with neighboring Villages and Cities in developing Cooperative Plans for boundary changes.
 - (e) Utility Districts in Town.** The Town Board may establish utility districts, and may provide that any convenience or public improvement in the district be paid for under that section.

- (f) Appropriation for Civic and Other Functions.** If authorized by the Town meeting, The Town Board may appropriate reasonable amounts of money for gifts, or donations to be used to:
1. Further civic functions and agricultural societies
 2. Advertise the attractions, advantages, and natural resources of the Town of Willard, and attract industry
 3. Establish industrial complexes
 4. Establish, maintain, and repair ecological areas
- (g) Conservation of Natural Resources.** If authorized by the Town meeting, The Town Board may appropriate money for the conservation of natural resources, or payment to a bonafide, nonprofit organization for the conservation of natural resources, within the Town, or beneficial to the Town.
1. No payment may be made to a nonprofit organization unless the organization submits, and the Town Board approves, a detailed plan of work to be done. The plan shall include the name of the owner of any property on which work is to be performed.
 2. Obstruction in Non-navigable Waters. The Town Board may remove, at the expense of the Town, any obstruction located in the Town which prevents the natural flow of water in a non-navigable stream. One or more Town Board Supervisors, or a designee of the Town Board, may enter upon any land if necessary to remove the obstruction.
- (h) Emergency Pest and Disease Control.** The Town may appropriate money for the control of insects, weeds, plants, or animal diseases if:
1. An emergency arises within the Town due to insects, weeds, plants, or animal diseases; and
 2. The Town Board determines that any delay resulting from calling a special Town meeting to authorize the Town Board to appropriate money for this purpose would result in serious harm to the general welfare of the Town.
- (i) Exchange Tax Credit for County Land.** The Town Board may authorize the Town Treasurer to exchange any credit the Town has with the county, arising from delinquent real estate taxes, for county-owned land.
- (j) Associations of Towns.** The Town Board may appropriate money to purchase a membership in any association of Town Boards for the protection of Town interests and improvement of Town government.
- (k) Vacation of Alleys.** The Town Board may vacate any alley in the Town, except for an alley adjacent to land fronting a state or county trunk highway.
- (l) Cemeteries.** The Town Board may provide for cemeteries.
- (m) Change of Street Names.** The Town Board may name, or change the name of, any street in the Town.
- (n) Use of Firearms.** The State of Wisconsin limits powers for local government to control firearms.
1. Under Village Powers, the Town Board may create an ordinance restricting the discharge of a firearm.
 2. No ordinance shall apply to honorary discharge involving the use of blanks for an event, including a funeral honoring a current or former member of the military, law enforcement officer, or professional firefighter.
- (o) Fences in Subdivisions.** The Town Board may exercise Village Powers, and by ordinance, require a sub-divider to construct a fence as a condition of plat approval by the Town of Willard. The fence shall be maintained as required under Wisconsin Statutes.
- (p) Disposition of Dead Animals.** The Town Board may dispose of any dead animal within the Town. The Town may contract with any private disposal facility for the removal, and disposition, of any dead animal within the Town.
- (7) OTHER STATUTORY AUTHORITY, POWERS, AND DUTIES.**
- (a) Town Board Meeting Rules of Procedure.**
1. **Regular Meeting of the Town Board.** The regular meeting of the Town Board will be held at the Town Hall located at N1510 Highway 27, Conrath, Wisconsin, at 6:00 p.m. on the second (2nd) Monday of each month. Any regular meeting of the Town Board falling upon a legal holiday shall be held on the day designated by the Town Board. The Town Board may choose to have its regular monthly meeting held on the 3rd Monday to facilitate attendance or transaction of Town business. In such event, the Notice of date will be posted by the 2nd Monday of the month. Any meeting of the Town Board, including any special or adjourned meetings that are not held at the Town hall but at any other substitute location, shall be designated by the Town Chair or his or her designee, in compliance with the Open Meeting Law, by posting a proper written notice of the substituted location at the three (3) usual and customary posting locations likely to give notice. This notice shall occur at least twenty-four (24) hours before the meeting of the Town Board, unless in an emergency wherein the proper notice posting shall occur at least two (2) hours before the meeting of the Town Board. The usual and customary posting locations shall be the following unless the Town Board directs posting at other locations:
 - a. Town Hall
 - b. River Country Convenience Store
 - c. Town of Willard Website
 2. **Special Meeting of the Town Board.**
 - a. Any Special Meeting of the Town Board may be called by any two (2) members of the Town Board.
 - b. To comply with the notice requirements of the State Open Meeting Law, and this ordinance, the Town Clerk shall notify each Town Board member by verbal, written, or electronic means.
 - c. If the Special Meeting is attended by a quorum of the members, and written notice is provided to the public as required by the State Open Meeting Law, the Town Board shall be considered a regular meeting of the Town Board for the purpose of transacting any Town business.

3. **Special Meeting Notification Affidavit.**
 - a. If notification of any member of the Town Board is not completed, then the Town Clerk shall state in an affidavit the time, place, location, and the type of notice attempted.
 - b. Such affidavit may be waived when all members of the Town Board are present, or consent to, holding any Special Meeting of the Town Board.
4. **Adjourned Meeting of the Town Board.** The Town Board may, by majority vote, adjourn any Special Meeting of the Town Board, from time to time, to a specific date and hour. The adjournment to the specific time, and place, will be in compliance with the Open Meeting Law.
5. **Order and Conduct at Town Board Meeting.** The regular business order agenda for the Town of Willard shall be:
 - a. Call to Order
 - b. Pledge of Allegiance
 - c. Roll Call
 - d. Any oral waivers of notice of Special Meetings
 - e. Reading of minutes of prior meeting and approving these minutes after errors in the minutes have been rectified to the satisfaction of the Town Board
 - f. Procedural Motions by members of the Town Board of the Town of Willard
 - g. Comments and suggestions from residents of the Town of Willard and other persons present. Introduction of guests
 - h. Communications and petitions
 - i. Reports of standing committees
 - j. Reports of special committee, special commissions, and special boards
 - k. Reports of Town officers
 - l. Building Permits
 - m. Unfinished business from prior meeting (List and Describe Each Individual Subject)
 - n. Resolutions/Motions and Memorials (List and describe each individual subject)
 - o. Ordinances (List and describe each individual subject)
 - p. Audit of accounts presented
 - q. New Business
 - r. Future meeting agenda
 - s. Adjournment
 - t. At the meeting of the Town Board, any member of the Town Board may take up any business on the agenda in any other order, unless there be objection by any other member of the Town Board.
 - u. All written petitions, written communications, and written reports, to the Town Board, and all written and oral requests to address the Town Board, shall be presented by the Town Clerk to the Town Chair, or the person presiding at the meeting of the Town Board.
6. **Quorum at Roll Call of Meeting.** If no legal quorum is present at the time of the initial roll call, the meeting of the Town Board shall be thereon adjourned by the members of the Town Board present to a specific date and hour.
7. **Absence of Town Clerk at Meeting.** If the Town Clerk is not present at the time of the initial roll call of the meeting of the Town Board, the Town Chair shall appoint the Deputy Clerk, or any other person present at the meeting of the Town of Willard, to be the Town Clerk pro tem. The Town Clerk pro tem shall prepare and maintain minutes of the meeting of the Town Board. The Town Clerk pro tem shall deliver these minutes to the Town Clerk after the end of the meeting of the Town Board or when the Town Clerk pro tem is replaced during the meeting of the Town Board by the Town Clerk.
8. **Absence of Town Chair at Call to Order of Meeting.**
 - a. The presiding officer at the meeting of the Town Board will be the Town Chair. If the Town Chair is not present at the time for the call to order, the senior member of the Town Board, known as 'Supervisor 1', based on the date of original election as a member of the Town Board shall call the meeting of the Town Board to order, call the initial roll call and shall preside as Town Chair until the Town Chair is able to preside at the meeting of the Town Board.
 - b. If the Town Chair of the Town Board will not be able to, at any time, preside at the meeting, the Town Board shall make this determination after the initial roll call and then by motion elect an acting Town Chair for the meeting of the Town Board until the Town Chair is able to preside at the meeting.
9. **Vacation of Town Chair or Presiding Officer at Meeting.** If the Town Chair or any other presiding officer of the Town Board desires to speak on any question or to make any Motion, the Town Chair or the presiding officer may speak or make a Motion without vacating the chair or without designating a member of the Town Board to preside at the meeting as Town Chair pro tem.
10. **Meeting in the Public.** Any business of any meeting of the Town Board shall be in open session and accessible to the public, except as provided in the State Open Meeting Law, and except as provided in the Town's Open Meeting Ordinance.

11. **Audit of Accounts.** The Town Board shall at its meeting be presented by the Town Clerk with the accounts of the Town of Willard for auditing by the Town Board. All accounts shall be filed with the Town Clerk at least five (5) days before the next meeting of the Town Board for the account to be presented by the Town Clerk at the upcoming meeting of the Town Board.
12. **Receipts of Funds.** Any officer, employee, or agent of the Town of Willard, in possession of funds or receipts or earnings of the Town shall deliver any such funds, receipts, or earnings to the Town Treasurer on at least a weekly basis unless approved otherwise by the Town Board. All such funds, receipts, or earnings shall be delivered to the Town Treasurer on or before the seventh (7th) day of the succeeding calendar month. The Town Board shall be advised by the Town Treasurer, on a monthly basis, of any outstanding funds that have not been properly delivered to the Town Treasurer. All elected and non-elected Town of Willard officers, and Town of Willard employees, within 14 days of taking office, hiring, or rehiring, shall be informed of this provision by the Town Treasurer.
13. **Specific Rules of Conduct at Town Board Meeting.**
 - a. Guide to Parliamentary Procedure. Unless other rules of conduct are specifically adopted and codified by ordinance by the Town Board, the Town Board and the meetings of the Town Board shall be governed by A Guide to Parliamentary Procedure for Local Governments in Wisconsin, revised.
 - b. Speaking Before Town Board. At a meeting of the Town Board no person, other than the members of this Board, shall address the Town Board or any member of the Town Board. This provision shall not apply to:
 - 1.) The Town Clerk
 - 2.) The Town Treasurer
 - 3.) The Town Constable
 - 4.) Any member of the Town Board
 - 5.) The Town legal counsel
 - 6.) Members of the public that are recognized by the Chair at any portion of the meeting that is open to public comment
 - 7.) This provision shall also not apply, under the specific orders of business established, to recognize residents of the Town or other persons, under specific order of business to recognize members of any Town office, Town committee, Town agency, Town commission, or a special board, or other Town officers, or except if the person has specifically requested, from a member of this Board, the right to address the Town Board and then only after the approval of the presiding officer of the Town Board through an affirmative vote by the Town Board.
 - c. Excused Voting.
 - 1.) For voting upon Orders, Motions, Resolutions, Ordinances, action items, business items, or any other question, all individual members of the Town Board present at the meeting, shall vote when that individual Town Board member's name is called unless for special cause a Town Board member has been excused before the vote by an affirmative roll call vote of the remaining members. However, no member of the Town Board shall be excused from voting, after the actual voting has commenced, except for conflict of interest.
 - 2.) The Town Board may establish its own rules regarding when and if members are not to be voting because of any special cause, or conflict of interest.
 - d. Motions Stated. Before any debate on a matter, the members of the Town Board shall be entitled to a clear understanding of the Motion before the Town Board. The person making the Motion shall clearly state the Motion. There shall be a second to any Motion before any debate or discussion of the Motion. Motions made in writing by a member of the Town Board, and provided to the Town Clerk before the meeting, shall be provided priority in the appropriate order of business. The Town Chair shall restate the Motion before any debate and discussion. Any member of the Town Board, before a vote on the Motion, may request that the Motion and any amendments adopted to the Motion be reduced to writing, and submitted in writing to the members of the Town Board before the final vote on the matter.
 - e. Priority Matters. When any action item, business item, motion, or question is before the Town Board, no other action item, business item, motion, or question shall be in order except a motion to:
 - 1.) Adjourn or recess the meeting
 - 2.) Lay on the table the question
 - 3.) Call the question
 - 4.) Postpone the question to a date certain
 - 5.) Refer the question to a standing committee or other committee
 - 6.) Amend or divide the questions
 - 7.) Postpone the question indefinitely
 - 8.) Introduce a matter related to the question

- f. Motions with Preference. During any meeting of the Town Board, certain motions will have preference. In order of precedence, they are:
- 1.) Motion to Adjourn. This motion can be made at any time and has the first precedent. This is a non-debatable motion.
 - 2.) Motion to Lay on the Table. This motion may be made when the subject matter appropriate for tabling is to be debated or discussed. This motion is a non-debatable motion.
 - 3.) Motion to Call Previous Question. This motion may be made at any time after the debate or discussion commences related to an action item, business item, motion, or question that is properly before the Town Board. This motion is a non-debatable motion. This motion, if adopted, ends the debate and discussion at the meeting on the action item, business item, motion, or question. The motion, if adopted, brings the Town Board to a direct vote with the first vote on any amendments, if any, and then to the main action item, business item, motion, or question.
 - 4.) Motion to Postpone to a Date Certain. This motion may be made at any time after the debate and discussion commences on an action item, business item, motion, or question that is properly before the Town Board. This motion is debatable. This motion, if adopted, ends the debate and discussion at the meeting on the action item, business item, motion, or question. This motion must establish a date and time certain when the debate and discussion before the Town Board will continue. The date and time established must be on a date and time for a regularly scheduled or special meeting of the Town Board.
 - 5.) Motion to a Committee. This motion may be made at any time after the debate and discussion commences on an action item, business item, motion, or question that is properly before the Town Board. The motion is debatable. This motion, if adopted, ends the debate and discussion at the meeting on the action item, business item, motion, or question. This motion, if adopted, forwards the action item, business item, motion, or question to a committee for further review and discussion. The committee must be a committee of the Town Board.
 - 6.) Motion to Amend or Divide the Question. This motion may be made at any time after debate and discussion commences on the action item, business item, motion, or question properly before the Town Board. The motion is debatable. This motion, if adopted, divides the main action item, main business item, main motion, or main question pursuant to the method described and adopted in the Motion to Divide.
 - 7.) Motion to Postpone Indefinitely. This motion may be made at any time after debate and discussion commences on the action item, business item, motion, or question properly before the Town Board. This motion is debatable. This motion, if adopted, ends the debate and discussion at the meeting on the action item, business item, motion, or question.
 - 8.) Motion to Introduce a Matter Related to the Action Item, Business Item, Motion, or question. This motion may be made at any time after the debate and discussion commences on the action item, business item, motion, or question properly before the Town Board. This motion is debatable. This motion, if adopted, expands or adds to the debate and discussion new items related to the main action item, main business item, main motion, or main question pursuant to the method described and approved in the motion to introduce a matter related. No member of the Town Board shall request, at a meeting of the Town Board, a vote from the general public unless the proposed vote of the general public is so noted by the Town Chair, or the presiding officer of the meeting, as strictly an advisory vote to the Board. Any vote taken by the general public at a meeting of the Town Board shall be considered by this Board only as an advisory vote and shall not be considered as a directory vote. Directory votes to require certain actions to be taken, by the Town Board, may occur at an annual or special Town meeting.
- g. Town Board Action
- 1.) Appointment of Special Offices and Committees. The Town Board may appoint or reappoint persons to the following special offices of the Town Board, namely: Town Attorney, Weed Commissioner
 - 2.) Town Constable. The Town Board may designate the jurisdiction and duties of the Town constable if the office of Town constable has been created.
- h. Suspension of Rules. These rules or any part of these rules or any other rules of the Town Board may be temporarily suspended at any meeting of the Town Board, including any Special Meeting of the Town Board, in connection with any matter under consideration by the Town Board. Any rule may be suspended by a recorded affirmative roll call vote of two-thirds (2/3) or more of the members of the Town Board present at the meeting of the Town Board.
- i. Amendment of Rules. These rules or any part of these rules or any other rules of the Town Board may be altered or amended at any meeting of the Town Board, including any Special Meeting of the Town Board. Any rules may be altered or amended by a recorded affirmative roll call vote of two-thirds (2/3) or more of the members of the Town Board present at the meeting of the Town Board.

(b) ORDINANCES, RESOLUTIONS, AND MOTIONS/ORDERS.

1. **Purpose.** The purpose of this section is to provide conventions for Ordinances, Resolutions, and Motions/Orders to guide future Town officials in their decisions as to when to act by Ordinance, by Resolution, or by Motion/Order, and prescribe a uniform format for Ordinances and Resolutions. It is intended that all Ordinances shall be drawn in 'code' format to facilitate keeping this code book current.
2. **Ordinances.** Ordinances are defined as the 'local laws' of the Township. The Town Board shall act by Ordinance when it wishes to create a permanent (subject to amendment or deletion by future Town Board action), written legislative act to regulate conduct in the Town of Willard. Whenever possible, ordinances shall be drafted in a format to create, amend, or delete specific code sections. See Appendix F for format examples. Ordinances must be published. Ordinances may or may not prescribe forfeitures as penalties.
3. **Resolutions.** Resolutions are defined as temporary written provisions to be used for formal short-term written public statements, expressions of public opinion, or temporary orders of the Township. Resolutions do not have to be published unless specifically required by State law, the provisions of this code, or Town Board order. Resolutions are to be written and preserved as separate documents and must use the Resolution format outlined in Appendix F. At the Town Board's discretion, Resolutions may be set forth as Appendixes in this code.
4. **Motions/Orders.** A Motion is a request by a member of the Town Board for an Order of the Town Board. A Motion may be oral or written. The Town Board's action on the Motion is an Order, i.e. result of the request for Motions/Orders. The Town Board's action shall not be reduced to a separate written document but must be entered in the Town Board minutes. The Town Board may use Motion/Order format for temporary orders, directives, statements, and to describe temporary opinions. Orders need not be written or published. In legal effect, oral Orders are Resolutions but are to be distinguished from Resolutions, as defined in this ordinance, in that they need not be separate, written pronouncements. It is only necessary that they be recorded in the Town Board minutes. If reduced to separate written documents as opposed to Town Board minutes, the Resolution format shall be used.

2.03 TOWN OFFICIALS ORDINANCE

- (1) **TITLE AND PURPOSE.** This ordinance is entitled the 'Town of Willard Town Officials Ordinance'. Certain Town Officials have the specific authority, powers, and duties to manage and direct certain affairs of the Town. In addition, those Town Officials have additional general and specific statutory authority, powers, and duties beyond Wisconsin Statutes, and have additional statutory authority, powers, and duties with certain authorization of the Town Meeting. The purpose of this ordinance is to document for the Town Board and members of the public, terms of office and eligibility requirements, when officials are required to take the official oath or give a bond, along with the duty of elected and appointed Town officers to cooperate with their successors in office, to make an efficient transfer of office. The purpose of this ordinance is to also document for the Town Board, and members of the public, the duties, and functions of the Town:
 - (a) Chair
 - (b) Clerk
 - (c) Treasurer
 - (d) Assessor
 - (e) Special Offices
 - (f) Fence Viewer
- (2) **AUTHORITY.** The Town Board has the specific authority, powers, and duties pursuant to Chapter 60, Wisconsin Statutes, and the Town's Village Powers, to manage and direct affairs of the Town.
- (3) **ADOPTION OF ORDINANCE.** The Town Board has, by the adoption of this ordinance, confirmed the specific statutory authority, powers, and duties of the Town Officials established in Chapter 60, Wisconsin Statutes, and has established pursuant to this ordinance, other statutory authority, powers, and duties of the Town Board and Town Officials to manage and direct certain affairs of the Town of Willard.
- (4) **SEVERABILITY.** If any provision of this ordinance is invalid or unconstitutional, or if the application of this ordinance to any person or circumstances is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the provision or applications of this ordinance which can be given effect without the invalid or unconstitutional provision or application.

2.04 TOWN CHAIR DUTIES AND FUNCTIONS

(1) GENERAL POWERS AND DUTIES.

(a) Preside at Town Meeting. The Town Chair shall preside over Town meetings.

(b) Preside at Town Board Meeting. The Town Chair shall preside over meetings of the Town Board.

(c) Sign Documents.

1. The Town Chair shall sign all ordinances, resolutions, bylaws, orders, regulations, commissions, licenses, and permits adopted, or authorized by the Town Board, unless the Town Board, by ordinance, authorizes another Town officer to sign specific types of documents in lieu of the Town Chair.

2. The Town Board, by ordinance, may authorize the use of a facsimile signature under this paragraph.

3. The Town Chair shall sign all drafts, order checks, and transfer orders.

(d) Assure Administration of Statutes.

1. The Town Chair shall supervise the administration of statutes relating to the Town, and Town operations, to see that they are faithfully executed.

2. The Town Chair, in his or her supervisory capacity, has specifically delegated responsibilities for Town of Willard operations as outlined in Appendix G which may be changed from time to time.

(e) Act on Behalf of Town Board.

1. The Town Chair shall see that Town orders and ordinances are obeyed.

2. The Town Chair shall see that peace and order are maintained in the Town.

3. In case of emergency, the Town Chair shall obtain necessary assistance, if available, except as provided under Emergency Management, Chapter 166 Wisconsin Statutes.

(f) Act on Authorization of Town Board.

1. The Town Board does authorize the Town Chair to act on behalf of the Town Board to direct, as appropriate, the solicitation and quotations for the purchase of equipment, materials, services, and submit bids and quotations to the Town Board for approval.

2. The Town Board does authorize the Town Chair to act on behalf of this Board to represent or designate another Town of Willard officer to represent the Town at meetings of, and hearings before, a governmental body on matters affecting the Town.

(2) THE TOWN CHAIR SHALL:

(a) Nominate election officials when the Town Board disapproves the nominee of a party committee

(b) Serve as caucus official

(c) Sue on official bonds, if any

(d) Execute and sign a certificate of indebtedness in connection with obtaining a State trust fund loan, if any

(e) Serve as Town Fire Warden The Town is not part of a fire protection permit area

(f) Exercise the powers, and duties specified for a mayor, if the Town creates a joint Board of Police and Fire Commissioners, or joint Police or Fire Department, with a village, or a Board of Police and Fire Commissioners

(g) Provide an annual estimate of funds necessary for any utility district

(h) Represent the interests of the Town of Willard in connection with appearances before the State Tax Appeals Commission, if authorized by the Town Board

(i) Approve the bond of the Town Treasurer delivered to the County Treasurer

(j) Sign orders for payment of materials furnished, and work performed on Town highways

(k) See that all tunnels in the Town are constructed and kept in good repair

(l) Close County trunk highways when rendered dangerous for travel, and notify the County Highway Commissioner

(m) Appoint members to the Airport Commission, if any

(n) Enforce regulation of fireworks

(o) Cause actions to be commenced for recovery of forfeitures for violations of Town of Willard Ordinances that can be recovered in municipal court

(p) Notify the District Attorney of forfeitures that may not be recovered in municipal court

(q) Approve bonds furnished by contractors for public works

(r) Perform the Town Chair's duties related to municipal power and water districts

(s) Execute any conveyances of real property of the Town of Willard

(t) Perform the Town Chair's duties related to:

1. Stray animals and lost goods

2. Distraigned animals

3. Animals that have caused damage in the Town of Willard

(3) THE TOWN CHAIR MAY publish annually a notice regarding noxious weeds

(4) OTHER RELEVANT STATUTORY AUTHORITY, POWERS, AND DUTIES BEYOND WISCONSIN STATUTES.

(a) Offer rewards, when approved by the Town Board

(b) Execute municipal obligations

(c) Delivery of resignations

(d) Power of arrest for violations of Wisconsin Statutes

2.05 TOWN CLERK DUTIES AND FUNCTIONS

(1) GENERAL STATUTORY AUTHORITY. Powers and duties of Town Clerk in Chapter 60, Wisconsin Statutes.

(a) Clerk of Town Meeting. The Town Clerk shall serve as clerk of the Town of Willard, Town meetings.

(b) Clerk of Town Board.

1. The Town Clerk shall serve as clerk of the Town Board, shall attend all meetings of the Town Board, and shall keep a full record of its proceedings.

2. The Town Clerk shall file all accounts approved by the Town Board, or allowed at Town meetings, and enter a statement of the accounts in the record books for the Town of Willard.

3. The Town Clerk shall file, with the Town Board, claims approved by the Town Clerk.

(c) Finance book. The Town Clerk shall maintain a finance book, which shall contain a complete record of the finances of the Town of Willard, showing receipts, with the date and amount and source of each receipt; the disbursements, with the date, amount, and object of each disbursement, and any other information relating to the Town of Willard finances prescribed by the Town Board.

(d) Elections, appointments, and notices:

1. The Town Clerk shall perform the duties required by Chapters 5, 10, and 12, Wisconsin Statutes, relating to elections and notices.

2. The Town Clerk shall transmit to the County Clerk, within ten (10) days after election or appointment and qualification of any Town Supervisor, Treasurer, Assessor or Clerk, a written notice stating the name and post office address of the elected or appointed officer. The Town Clerk shall promptly notify the County Clerk of any subsequent changes in such offices.

3. The Town Clerk shall transmit to the Clerk of Circuit Court, immediately after the election or appointment of any Town Constable or Municipal Judge in the Town of Willard, a written notice stating the name of the Town Constable or Municipal Judge and the term for which elected or appointed. If the Municipal Judge or Town Constable was elected or appointed to fill a vacancy in the office the Town Clerk shall include in the notice the name of the incumbent who vacated the office..

(e) Sale of real property. The Town Clerk shall execute the conveyance of real property of the Town of Willard.

(f) Notices.

1. The Town Clerk shall publish, or post, Ordinances, and Resolutions.

2. The Town Clerk shall give notice of Town of Willard Annual and Special Town Meetings.

(g) Records.

1. The Town Clerk shall comply with Wisconsin Statutes concerning any record of which the Town Clerk is the legal custodian.

2. The Town Clerk shall demand and obtain the official books and papers of any municipal judge if the office becomes vacant and the judge's successor is not elected or appointed and qualified, or if any municipal judge dies. The Town Clerk shall dispose of the books and papers as required by law.

(h) Licenses and permits. The Town Clerk shall issue any license or permit granted by the Town Board when presented with a receipt from the Town Treasurer indicating that any required fee has been paid.

(i) Schools.

1. The Town Clerk shall:

a. Perform the Town Clerk's duties relating to public instruction.

b. Within ten (10) days after the Town Clerk's election or appointment, report his or her name and post office address to the administrator of each cooperative educational service agency that contains any portion of the Town of Willard. The Town Clerk shall report to the administrator the name and post office address of each school district clerk within ten (10) days after the name and address is filed in the Town Clerk's office.

c. Make and keep in the Town Clerk's office a map of the Town of Willard showing the exact boundaries of school districts within the Town.

d. Apportion, as provided by law, tax revenues collected by the Town of Willard for schools.

(j) Highways and Bridges. The Town Clerk shall perform the duties specified in Chapters 82 and 92, Wisconsin Statutes, relating to highways, bridges, and drains.

(k) Notice of Property Tax Revenue. The Town Clerk shall notify the County Treasurer in which the Town of Willard is located, by March 15th, of the proportion of property tax revenue and of the credits that is to be disbursed by the County Treasurer to each taxing jurisdiction located in the Town of Willard.

(2) OTHER STATUTORY AUTHORITY, POWERS, AND DUTIES.

(a) Animal disturbance. The Town Clerk shall file the appropriate notice with the County Clerk related to animals running at large.

(b) Statement of Indebtedness to Secretary of State. The Town Clerk shall furnish a complete summary of the bonded indebtedness, and all other indebtedness, the purpose for which the sum was incurred, and any interest remaining unpaid to the Secretary of State.

(c) Managed Forest Act. The Town Clerk shall receive copies from the Department of Natural Resources of all petitions for entry under the Managed Forest Law of all lands in the Town of Willard. The Town Clerk shall receive copies of the notice of the hearings established in Chapter 77, Wisconsin Statutes, and copies of any orders issued.

(d) Notice of Cessation of Operations. The Town Clerk shall receive the appropriate notice of mergers, liquidation, disposition, relocation, or cessation of operations from any employer in the Town of Willard. The Town Clerk shall then immediately inform the Town Board of receipt of such information.

- (e) Release and publication of Tax Roll.** The Town Clerk shall receive the assessment rolls and then publish a Class 1 notice, if applicable, or post notice under Chapter 985, Wisconsin Statutes. The notice will provide that in the noted days the assessment roll will be open for examination by the taxable inhabitants.
- (f) Requiring Seller's Permit.** The Town Clerk shall require proof of a seller's permit, or application for a seller's permit, from any person that requests a license or permit from the Town of Willard to engage in a business involving the sale at retail of tangible personal property subject to taxes.
- (g) Prepare General Statistics and Annual Statement of Taxes.** The Town Clerk shall make out and transmit to the County Treasurer a statement showing the assessed value of all property within the Town, all taxes levied, all special assessments made, and purposes for special assessments. Also, a complete and detailed statement of the bonded and other indebtedness of the Town of Willard and of any accrued interest remaining unpaid and the purpose for which the indebtedness was incurred. In addition, on or before the third (3rd) Monday of December, the Town Clerk shall file a statement of taxes levied to the Department of Revenue. Note penalty provision in Wisconsin Statutes.
- (h) Make Tax Roll.** The Town Clerk shall make out the complete list of all taxable real property, to be called the 'Tax Roll'. The Clerk shall transfer the Tax Roll to the Town Treasurer by December 8 of each year.
- (i) Correct Tax Roll.** Before, and after delivering the Tax Roll to the Town Treasurer, the Town Clerk shall correct any errors in the Tax Roll.
- (j) Receive Assessment Roll.** The Town Clerk shall receive from the assessor, on or before the first Monday in May, the completed Assessment Roll.
- (k) Submit the Annual Financial Report (Form CT)** by March 15th of each year. Note the penalty for late filing may be substantial.
- (3) OTHER AUTHORITY, POWERS, AND DUTIES OF TOWN CLERK BY ORDINANCE.** The Town Clerk has additional powers, and duties, beyond those noted above, established by the Town Board Ordinances, or by order of the Town Board.
 - (a) Administer oaths.** The Town Clerk may administer oaths and affidavits on all matters pertaining to the affairs of the Town of Willard.
 - (b) The Town Clerk shall prepare drafts for disbursement** for signature by the Town Treasurer. The preparation of such drafts shall be an order for disbursement.
- (4) DEPUTY CLERK.**
 - (a) The Town Clerk may appoint a Deputy Clerk.** The Deputy Clerk shall take and file the oath and bond.
 - (b) Compensation** for the Deputy Clerk shall be set by the Town Board and set forth in Appendix I.

2.06 TOWN TREASURER

(1) GENERAL STATUTORY AUTHORITY, POWERS, AND DUTIES.

(a) Receive and disburse Town Money.

1. The Town Treasurer shall receive and take charge of all money belonging to the Town, or that money which is required by law to be paid into the Town Treasury and shall disburse the money according to Wisconsin Statutes, and these ordinances. The preparation of a draft by the Town Clerk for the Town Treasurer's signature shall constitute an order for disbursement.
2. The Town Treasurer shall keep an itemized account of all moneys received and disbursed, specifying the source from which it was received, the person to whom it was paid, and the object for which it was paid. The Town Treasurer shall issue numbered receipts for all funds received. At the request of the Town Board, the Town Treasurer shall present the account books, and any supporting documents requested to the Town Board.
3. The Town Treasurer shall submit the account book and all other supporting documents requested by the Town Board, to the Town Audit Committee, if this committee exists.

(b) Deposit of money.

1. As soon as practical, the Town Treasurer shall deposit Town funds in the name of the Town into the public depositories as designated by the Town Board. Failure to comply with this paragraph is grounds for removal from office.
2. When money is delivered to the Town Treasurer, the Treasurer's sureties are not liable for any loss. The interest arising from the money deposited shall be paid into the Town Treasury.

(c) Records. The Town Treasurer shall comply with Wisconsin Statutes concerning records of which the Town Treasurer is legal custodian.

(d) Taxes. The Town Treasurer shall perform all of the duties relating to taxation required of the Town Treasurer under Chapters 70 through 79, Wisconsin Statutes.

(2) OTHER AUTHORITY, POWERS, AND DUTIES OF TOWN TREASURER BY ORDINANCE.

(a) The Town Treasurer has the additional authority, powers, and duties established by the Town Board, by ordinances, or by order of the Town Board.

(b) DEPUTY TOWN TREASURER. The Town Treasurer may appoint a Deputy Treasurer. The Deputy Treasurer shall take and file the oath and bond. Compensation shall be as set by the Town Board and set forth in Appendix I.

2.07 TOWN ASSESSOR DUTIES AND FUNCTIONS

- (1) **GENERAL STATUTORY AUTHORITY, POWERS, AND DUTIES OF TOWN ASSESSOR.** The Town Assessor shall have all the statutory authority, powers, and duties for property tax assessment required of the Town Assessor.
- (2) **OTHER AUTHORITY, POWERS, AND DUTIES OF TOWN ASSESSOR BY ORDINANCE.** The Town Assessor has the additional powers, and duties established by the Town Board, ordinances, or by order of the Town Board.

2.08 SPECIAL OFFICES AND COMMITTEES

- (1) **The Town Board has the power to establish special offices, commissions, and committees.** The Town Board has the powers to retain or appoint these special offices, the powers to remove the members in these special offices, the powers to establish the powers, and duties of these special offices, and the powers to terminate these special offices.
 - (a) **All committees are considered Ad Hoc.** At any time, the Town Chair may create, with approval of the Town Board, an ad hoc committee to *advise* the Town Board with managing and directing affairs of the Town. These committees may include three (3) or more members as decided by the Town Chair, or this Ordinance.
 1. **Ad Hoc committees are dissolved** by the Town Chair, with approval of the Town Board. The Town Chair may add or remove members without cause. Committees and members are outlined in Appendix R.
 2. **If any elected Town Board members** are appointed to such Ad Hoc Committee, only one (1) Town Board member may be appointed to that committee. Having voted on committee to present advice to the Town Board, the Board member shall not vote on any Town Board action taken on the committee's advice, as this is considered voting twice on an action item.
 3. **Ordinance Review Committee.** The Town Board may appoint an Ordinance Review Committee consisting of three (3) to five (5) members, with no more than one (1) voting member of the Town Board on the committee.
 4. **Town Planning Committee.** On or before July 1st of each year, the Town Board shall appoint a Town Planning Committee consisting of three (3) to five (5) members. No more than one (1) voting member of the Town Board may be on the Town Planning Committee.
 5. **Town Zoning Committee.** On or before July 1st of each year, the Town Board shall appoint a Town Zoning Committee consisting of three (3) members, with no more than one (1) voting member of the Town Board on the committee. (Appendix R). The Town Zoning Committee shall operate in accordance with Wisconsin Statute. The Town Zoning Committee may also hear and recommend conditional use and/or variance permits as specified by the terms of this ordinance.
 6. **Town Audit Committee.**
 - a. Appointment and Termination. The Town Board may appoint a Town Audit Committee to perform audits, or to aid in audits, for the Town of Willard.
 - b. Compensation.
 - 1.) The Town Board shall establish the compensation of a regular salary or a per diem allowance.
 - 2.) The Town Board shall establish a reimbursement method of costs and expenses. That reimbursement method is to be reasonable expenses.
 - c. Duties
 - 1.) The Town of Willard Audit Committee has the powers, and duties established in Wisconsin Statutes, plus any additional powers, and duties established by the Town Board.
 - 2.) The Town Board constitutes itself as the Audit Committee, and will conduct an ongoing, or monthly, audit at every Town Board Meeting.
 - (b) **Board of Review.** The Board of Review must meet sometime between the second (2nd) Monday of May and the thirty (30) days thereafter. The three (3) elected officials of the Town of Willard are the members of the Board of Review. On or before May 1st of each year, the Town Board appoints alternates to serve on the Town Board of Review in the event a standing board member is removed, or unable to serve for any reason.
 - (c) **Zoning Board of Adjustment.** On or before July 1st of each year, the Town Chair may appoint, a Zoning Board of Adjustment. The person(s) appointed will hold the office for one (1) year, or until a successor has been qualified.
 - (d) **Board of Harbor Commissioners.** The Town Chair may appoint members of the Board of Harbor Commissioners, if any.
 - (e) **Library Board.** The Town Chair may appoint members of the Library Board, if any.
 - (f) **Weed Commissioner.**
 1. Appointment and Termination.
 - a. The Town Chair may appoint, on or before May 15th of each year, a Weed Commissioner or Weed Commissioners. The person(s) appointed will hold the office for one (1) year, or until a successor has been qualified. If more than one (1) person is appointed, the Town Chair shall divide the Town into districts, and each Weed Commissioner shall be assigned a district.
 - b. The Town Chair may remove any Weed Commissioner of the Town without cause.
 2. Duties. The Town Weed Commissioner(s) shall have the powers, and duties outlined in Wisconsin Statutes, plus any other powers, and duties established by the Town Board. The appropriate bond shall be filed before taking office.

3. Compensation.

- a. The Town Board shall establish the compensation for the Weed Commissioner by Resolution.
- b. The Town Board shall establish a reimbursement method of costs and expenses. That reimbursement method is to be as follows: limited expenses that are actual and necessary.
- c. All costs and expenses of the Weed Commissioner(s) shall be approved by the Town Board before being incurred by the Weed Commissioner.

(g) Town Park Commissioner.

1. Appointment/Termination.

- a. The Town Meeting may establish a Town Park Commission made up of seven (7) members. The Town Board shall appoint the members within sixty (60) days after the commission is established.
- b. The members shall serve for a seven (7) year term, commencing July 1 of each year. The Town Board shall appoint a successor during the month of June, immediately preceding the expiration of the member's term. The first seven (7) members shall be appointed for staggered terms so that on the first (1st) day of July of each year in which they were appointed, the term of one (1) member expires. A member shall hold his or her office until his or her successor is appointed and qualified.
- c. The Town Chair may remove any Town Park Commissioner without cause.

2. Compensation.

- a. The Town Board has not established compensation. Service on such commission shall be on a volunteer, non-paid basis, until such time as compensation is established by the Town Board.
- b. The Town Board shall establish a reimbursement method of costs and expenses. That reimbursement method is to be as follows: Reasonable costs and expenses.

3. Duties. The Town of Willard Park Commission shall have the duties, and powers established in Section 60.66, Wisconsin Statutes, plus any additional powers, and duties established by the Town Board.

(h) Town Sanitary District Commission.

1. Appointment and Termination. The Town Board may appoint for the Town Sanitary District Commission three (3) Commissioners, or if the Town Board constitutes itself as the Commission, then the number of Commissioners shall be the number of Town Board Supervisors. The term of office shall be for a six (6) year term, except those first appointed in a newly established Town Sanitary District, where-in one (1) shall be appointed for the first term of two (2) years, one for a first term of four (4) years and one for a term of six (6) years. If the Town Board constitutes itself as the Commission, the term of the Commissioners are concurrent with the terms of the Town Board Supervisors. The Commissioner shall hold office until a successor takes office. Non-residents of the Town may be appointed to the Commission if they own property within the Town of Willard Sanitary District.

2. The Town Board may, by majority vote, remove any Town Sanitary District Commissioner without cause.

3. Compensation. The Town Board may fix the compensation of the Commissioners. In addition, the Commissioners may receive actual, and necessary, expenses incurred while in the performance of the duties of the office. See Appendix I for compensation established by Resolution from time to time.

4. Duties.

- a. The Town Sanitary Commission shall have the duties and powers established in Wisconsin Statutes, plus any additional powers, and duties established by the Town Board.
- b. The appropriate bond shall be filed before taking office.

(i) Town Utility Commission.

1. Appointment and Termination.

- a. The Town Board may appoint a board of three (3), or five (5), or seven (7) Town of Willard Utility Commissioners. The Town Utility Commissioners shall be appointed for a term beginning on the first (1st) day of October, for as many years as there are Town Utility Commissioners except that the terms of the Town Utility Commissioners first appointed shall expire successively, one (1) each year, on each succeeding first (1st) day of October.
- b. The Town Board may, by majority vote, remove any member from the Town Utility Commission without cause.

2. Duties. The Town Utility Commissioners shall have the duties and powers established in Section 66.0805, Wisconsin Statutes, plus any other additional powers, and duties established by the Town Board. The appropriate bond shall be filed before taking office.

3. Compensation. The Town Board shall establish no compensation for the Town Utility Commissioners. However, the Town Board shall establish for reimbursement of costs and expenses actually, and necessarily, incurred by the Town Utility Commissioners in the performance of their duties.

(j) Town Housing Authority Commissioners.

1. Appointment and Termination.

- a. The Town Chair, with confirmation by the Town Board, may appoint five (5) persons as Commissioners of the Town Housing Authority. No Commissioners may be committed in any official capacity with a political party, nor shall more than two (2) be officers of the Town. The Commissioners, who are initially appointed, shall be individually designated by the Town Chair to serve one (1), two (2), three (3), four (4), and five (5) years respectively, from the date of appointment. Thereafter the term shall be five (5) years. A Commissioner shall hold office until a successor has been appointed, and qualified.
- b. The Town Chair, based on inefficiency, neglect of duty, or misconduct in office, may remove any Commissioner. The procedure for removal is established, and to the extent applicable, in Wisconsin Statutes.

2. Compensation.

- a. The Town Board may establish the compensation for the Town of Willard Housing Authority. The compensation may pay a per diem allowance, mileage, and other necessary expenses included in the discharge of their duties, at rates established by the Town Board.
- b. The Town Board has established a per diem amount, and reimbursement rate per mile for mileage by auto or other motor vehicles. No other mileage or travel allowance will be allowed without the approval of the Town Board. This may be changed by Resolution from time to time. See Appendix M.

3. Duties. The Town of Willard Housing Authority Commissioners shall have the powers, and duties established in Wisconsin Statutes, and in these Ordinances.

(k) Town Attorney.

- 1. Retention. The Town Board may designate, retain, or employ one (1) or more attorneys, on a temporary or continuing basis for legal matters, or represent the Town of Willard in legal proceedings.
- 2. Compensation. The Town Board shall negotiate and establish the compensation in a contract for the designation, retention or employment of an attorney based on a regular salary, per diem rate, retainer, hourly rate, or other methods agreed to by the attorney and the Town Board.
- 3. Duties. The attorney has the duties and powers established in Wisconsin Statutes, plus any other additional powers, and duties established pursuant to the retention contract between the Town Board and the attorney.

(l) Town Auditor and Accountant.

- 1. Retention. The Town Board may designate, retain, or employ one (1) or more accountants, including certified public accountants, on a temporary or continuing basis for financial matters or represent the Town of Willard in financial matters.
- 2. Compensation. The Town Board shall negotiate and establish the compensation in a contract for the designation, retention or employment of an accountant based on a regular salary, per diem rate, retainer, hourly rate or other methods agreed to by the accountant and the Town Board.
- 3. Duties. The accountant has the duties and powers established in Wisconsin Statutes, plus any additional powers, and duties established according to the retainer contract between the accountant and the Town Board.

(2) RESPONSIBILITIES FOR SPECIAL OFFICES.

- (a) The Town Board or the Town Chair** has appointed or has retained persons to the special offices. Special office holders shall not be considered Town officers, Town employees, or agents of the Town, namely: the Town Attorney.
- (b) The following special office positions** need not be Town residents to hold these positions:
 - 1. Town Attorney
 - 2. Town Auditor/Accountant
- (c) Every person appointed to a special office** must be at least eighteen (18) years of age at the time of appointment.
- (d) The special office holders**, other than the specific compensation and reimbursement for costs and expenses agreed to, shall not be entitled to any Town financial benefits, vacation benefits, health benefits, training programs, educational programs, insurance benefits, paid leave benefits or other benefits.
- (e) All special office holders shall be considered Public Officers**, and shall be entitled to the appropriate legal defense reimbursement, retainer, or indemnification established in Wisconsin Statutes, while acting within his or her scope of employment or official capacity. Special officers shall immediately notify the Town Clerk of any claim, or action brought, against the special officer in any way related to that special officer's scope of employment or official capacity.

(3) LIMITATION ON ELECTED OFFICERS AS EMPLOYEES AND COMPENSATION. Elected Town officers who also serve as a Town employee, may be paid an hourly wage for service as a Town employee, not exceeding a total of \$5,000.00 each year. The Town Meeting shall establish the hourly wage to be paid to an elected Town officer for serving as an employee unless the Town Board has been authorized to establish the wage by the Town Meeting.

2.09 TOWN FENCE VIEWER DUTIES AND FUNCTIONS

- (1) RECORDING.** The members of the Town Board may act as Fence Viewers, and shall comply with Chapter 90, Wisconsin Statutes. Written decisions and orders of the Town of Willard Fence Viewers shall be filed with the Town Clerk within ten (10) days of the decision and order of the Fence Viewers.

(2) DIVISION OF PARTITION FENCE.

- (a) If no conflict of interest exists,** the Town Chair shall appoint all three (3) members of the Town Board who shall act as Fence Viewers in a division of partition of a fence action, when all lands lie in the Town of Willard. If the appointed members have a conflict of interest, or either refuses to serve, the remaining members shall serve. If the lands lie within the Town of Willard and another Town, then the Town Chair or his appointee, if no conflict of interest exists, shall act as the Fence Viewer for the Town of Willard.
- (b) Upon application by a landowner,** the Fence Viewers should make a decision and order, according to Wisconsin Statutes. The decision and order shall be filed with the Town Clerk, and the Town Clerk should record the decision and order within ten (10) days of receipt of the decision and order with the Register of Deeds in the appropriate County where the lands under partition are located.

(3) FEES AND COSTS.

- (a) The individual Fence Viewer is entitled** to fees and expenses for services rendered as a Fence Viewer. The Fence Viewer's fees and expenses shall be as follows:
1. Hourly employment will be ten dollars (\$10.00) per hour, with a minimum of ten dollars (\$10.00)
 2. Mileage will be per IRS rules
 3. Actual cost of the notice of process
 4. Actual cost of folios written
- (b) Deposit.** As a method of helping to ensure payment for said services, a deposit fee of fifty dollars (\$50.00) shall be required of the real property owner(s) requesting fence viewing.
- (c) Billing.** Failure of either party to pay its share of the total due to the three (3) Fence Viewers within thirty (30) days after the services are performed shall allow the Fence Viewer to receive double the amount due from the delinquent party, plus the Town of Willard can chargeback as a special assessment on the real estate tax bill any delinquency.
- (d) Town exemption.** If a landowner directly involved with the fence viewing is this Town, no liability for fees shall attach to this Town as a result of this ordinance.
- (e) Enforcement.** If any owner fails to pay assessed fees when due, the Town Board or its authorized representative may commence any legal procedure allowed by law for the collection of said amounts, court costs associated with such action, and reasonable attorney fees when allowed.

2.10 ELECTION AND ELIGIBILITY FOR OFFICE

(1) APRIL ELECTION.

- (a) General authority:** At the Annual Spring April Election in the odd-numbered years, the Town shall elect, except as noted herein, the following Town officers: Town Board Supervisors.
- (b) The Town of Willard Town meeting has,** by Resolution, and the Town Board, has confirmed by this ordinance, the office of Town Constable of the Town of Willard has been abolished. No person will be elected if, and until, the office is established by the Town Meeting.

(2) TERM OF OFFICE FOR TOWN BOARD.

- (a) The Town Board shall,** if the Town Board contains three (3) Town board supervisors, be elected in the spring election in April in the odd-numbered years.
- (b) If the number of Town board supervisors** in the Town of Willard is or has been expanded to four (4) members by ordinance of the Town Board, then two (2) Town board supervisors will be elected in the spring election in April of the even-numbered years, and two (2) Town board supervisors will be elected in the spring election in April in the odd-numbered years.
- (c) If the number of Town Board supervisors** of the Town is or has been expanded to five (5) members by ordinance of the Town Board, then three (3) Town board supervisors, including the Town Chair, will be elected in the spring election in April of the odd-numbered years, and two (2) Town board supervisors will be elected in the spring election in April of the even-numbered years.

- (3) NOMINATION FOR OFFICE.** Every candidate for an elected office in the Town shall be nominated by a Town caucus, unless the electors have, by referendum or a Town meeting, provided for the nomination of elective Town officers by a nonpartisan primary. In the Town of Willard, the candidates for elected Town office will be nominated by the Town caucus.

(4) ELIGIBILITY FOR OFFICE, INCOMPATIBILITY OF OFFICE.

- (a) Any person who is a qualified elector** in the Town may hold any elected Town office in the Town. If a Town office or position is created during a Town Board member's term in office, the Town Board member is not eligible to be elected for, or appointed to, that office. If the Town Board member resigns before the creation of a new Town office or position, the Town Board member is eligible to be elected for, or appointed to the newly created Town office or position.
- (b) Certain Town offices are incompatible** with other Town, County, State, or Federal offices. No Town officer shall serve in both offices at the same time. For example: the offices are considered incompatible if the current Town Treasurer serves as County Treasurer, or School District Treasurer, at the same time. Consultation with Town Attorney is advised.
- (c) If any question or concern** by any person is raised to the Town Board regarding the incompatibility of any office in the Town, the Town Attorney shall review the matter, and shall provide written comments to the Town Board.

(5) ELECTION PROCEDURE

(a) Registration of Electors, per State and Federal Statute.

(b) Polling Hours.

1. The Town shall have the election polls open on Election Day from 7:00 am to 8:00 pm, unless the time is extended by the Town Board.
2. The polling location for the Town shall be the Town Hall.

(c) Wards. The Town is not divided into voting wards.

(d) Type of voting machines. Voting machines are required.

2.11 OFFICE OATH AND BONDS GENERAL PROVISION.

(1) All elected officers and appointed officers of the Town, except elected assessors and municipal judges, shall take and file the below noted oath within five (5) days after notification of election or appointment by the Town Clerk. The written oath of office and the oral oath of office, shall be substantially in the following form:

(a) Form of Written Oath:

State of Wisconsin,

County of Rusk

I, the undersigned, who have been elected (or appointed) to the office of _____, but have not yet entered upon the duties thereof, swear (or affirm) that I will support the Constitution of the United States and the Constitution of the State of Wisconsin, and will faithfully discharge the duties of said office to the best of my ability. So help me God.

Subscribed and sworn to before me this ____ day of _____, 20 ____.

Signature _____

(b) Form of Oral Oath:

I, swear (or affirm) that I will support the Constitution of the United States and the Constitution of the State of Wisconsin, and will faithfully and impartially discharge the duties of the office of _____ to the best of my ability. So help me God.

(c) Elected assessors. Any elected assessor shall take, and file the official oath at any time between May 27, and May 31 each year, or within ten (10) days of appointment to fill the vacancy.

(d) Filing locations. The official oath of all elected, and appointed, officers of the Town shall be filed with the Town Clerk, except that the Town Clerk shall file his or her oath with the Town Treasurer.

(e) Failure to file oath. If any elected, or appointed, officer of the Town fails to file the proper oath within the time prescribed by statute, the failure to file constitutes a refusal to serve in the office.

(2) BONDS.

(a) The following officers of the Town shall be required to execute and file an appropriate bond in the amount noted below:

1. Office Amount
2. Town Clerk \$10,000.00
3. Deputy Town Clerk \$10,000.00
4. Town Treasurer \$100,000.00
5. Deputy Town Treasurer \$10,000.00
6. Town Constable \$10,000.00

(b) The bond costs shall be provided by the Town. No natural person may be a surety on a bond. The bond may be furnished by a surety company. The Town Board has established the amounts of the bonds. The Town Board may determine that any bond amount noted above is insufficient, or in excess, and may require any officer noted above to file a new bond within ten (10) days, in an amount fixed by the Town Board.

(c) Filing location. The official bond shall be filed with the Town Clerk, except that the Town Clerk shall file his or her bond with the Town Treasurer.

2.12 COOPERATION IN TRANSFER OF TOWN OFFICE

(1) DUTY TO COOPERATE ON TRANSFER OF OFFICE. This section shall be interpreted liberally to accomplish its purpose which is to provide for and promote an orderly and efficient transfer of office to a successor. All officers shall use all reasonable efforts to facilitate the transfer of office, and to cooperate with their successor.

(2) STATUS SUMMARY AND RESPONSIBILITIES AT END OF TERM.

(a) It shall be the duty of all Town officers to provide all documents, files, and information they may have regarding Town of Willard business activities, property, or finances to their respective successor in office, and to cooperate with successors in office, all successor Town Officials, and successor Town Boards.

(b) It shall further be the duty of the following officers to provide a written end of term status summary to the successor containing such information as the Town Board shall require:

1. Town Chair
2. Town Clerk
3. Town Treasurer
4. Town Assessor
5. Town Attorney

(c) **Status summaries at the end of each term** shall be delivered to the Town Clerk for filing in the Town records, with a copy provided to the Town Chair.

(d) **The Town Board may further detail** the contents of a Status Summary for each office by Resolution to be set forth as Appendix E.

(3) **BRIEF OF TOWN BOARD AND SUCCESSOR IN OFFICE.** When requested by the Town Board, any officer shall orally brief the Town Board and/or, at the Town Board's discretion, his or her successor in office, and answer questions about the status summary, duties of the office, procedures of the office, and/or general Town business about that office.

2.13 COMPENSATION OF ELECTIVE TOWN OFFICES

(1) **COMPENSATION.** The Town meeting shall establish the compensation of elective Town officers unless the Town Meeting authorizes the Town Board to establish such compensation.

(2) **CHANGES IN COMPENSATION** during the term of office shall be subject to Wisconsin Statutes. Compensation for elective Town offices is set as of the date for filing nomination papers of the office.

(3) **COMPENSATION OF ELECTIVE.** Town officers shall be outlined in Appendix H. This Appendix shall be updated promptly after any change in compensation.

Ordinance Chapter 2

Adopted this 14th day of March, 2022

Robert Nelson Yea Nay

Mark Taft Yea Nay

Linda Bentley Yea Nay

Attest: Mary Jane Nelson, Town Clerk