

# CHAPTER 2. GOVERNMENT AND ADMINISTRATION

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# CITY GOVERNMENT AND ELECTIONS

## SEC. 2.01 CITY GOVERNMENT.

- (a) **Mayor-Council Government.** The City of Oak Creek is a body corporate and politic with the powers of a municipality at common law and governed by the provisions of Chs. 62 and 66, Wis. Stats., laws amending those chapters, other acts of the legislature and the Constitution of the State of Wisconsin. The City of Oak Creek operates under the Mayor-Council form of government under Ch. 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 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 may adopt resolutions of condolences, congratulations or stating official positions with respect to particular matters. 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 ensure that all City ordinances and state laws are observed and enforced and that all City officers, boards, committees 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. 2.02 OFFICIAL NEWSPAPER.

The *Oak Creek Pictorial*, a newspaper published within the City of Oak Creek, is hereby designated as the official newspaper of the City of Oak Creek, Wisconsin, and all ordinances, notices and proceedings of the City required by law to be published shall be published herein.

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

## SEC. 2.03 ELECTION OFFICIALS.

- (a) **Qualifications.** At every election held in the City, there shall be in each polling place of each aldermanic district five (5) Inspectors of Election; the Common Council may change the number by resolution pursuant to Sec. 7.32, Wis. Stats.
- (b) **Appointment.** The election officials herein shall be chosen in accordance with Sec. 7.30, Wis. Stats., and acts amendatory thereto.
- (c) **Chairperson.** The Inspectors of each ward in each aldermanic district shall elect their own chairperson.
- (d) **Vacancies.** When an election official is unable to be present on Election Day, said election official shall notify the City Clerk immediately. Failure to do so constitutes forfeiture of office. The City Clerk shall fill vacancies from an eligible list on file in said office, as required by statute.
- (e) **Compensation.** The compensation for services rendered by each of the Inspectors shall be at such times and in such manner as prescribed by ordinance.

State Law Reference: Sec. 7.30, Wis. Stats.

## SEC. 2.04 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 Sec. 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 shall be elected.

State Law Reference: Secs. 8.05(4) and 8.11, Wis. Stats.

## SEC. 2.05 POLLING PLACES.

- (a) **Polling Places Designated.** The following locations are designated City polling places:
- (1) **First Aldermanic District.**
    - a. *Place.* School Administration Building, 7630 S. 10<sup>th</sup> Street
    - b. *Wards.* Ward Nos. 1, 2 and 3.
  - (2) **Second Aldermanic District.**
    - a. *Place.* West Middle School, 8401 S. 13<sup>th</sup> Street
    - b. *Wards.* Ward Nos. 4, 5 and 6.
  - (3) **Third Aldermanic District.**
    - a. *Place.* Oak Creek East Middle School, 9330 South Shepard Avenue.
    - b. *Wards.* Ward Nos. 7, 8 and 9.
  - (4) **Fourth Aldermanic District.**

- a. *Place.* Carollton Elementary School, 8965 South Carollton Drive.
- b. *Wards.* Ward Nos. 10, 11 and 12.
- (5) Fifth Aldermanic District.
  - a. *Place.* Meadowview Elementary School, 10420 South McGraw Drive.
  - b. *Wards.* Ward Nos. 13, 14 and 15.
- (6) Sixth Aldermanic District.
  - a. *Place.* Community Center, 8580 S. Howell Avenue
  - b. *Wards.* Ward Nos. 16 and 17.
- (b) **Polling Hours.** The polls on each election day shall remain open for voting from 7:00 a.m. until 8:00 p.m.
- (c) **Political Party Committees.** Pursuant to the authority of Sec. 8.17(1), Wis. Stats., one political party committeeman or committeewoman shall be elected for each election district.

*Ordinance 2471, A 8/21/07, Sec. 2.05(a)(1)-(6)*  
*Ordinance 2481, A 11/20/07, Sec. 2.05(a)(2)*

**SEC. 2.06 ALDERMANIC DISTRICT BOUNDARIES.**

- (a) The City of Oak Creek shall be divided into six (6) aldermanic districts, comprised of nineteen (19) wards, the respective boundaries of the aldermanic districts shall be as follows:

(1) **Aldermanic District One.**

- (a) District One shall be bounded as follows:

Commencing at the intersection of East College Avenue and South Pennsylvania Avenue; thence south along Pennsylvania Avenue to its intersection with East Drexel Avenue; thence west on Drexel Avenue to its intersection with the Union Pacific Railroad tracks; thence southerly along the Union Pacific Railroad to its intersection with East Forest Hill Avenue; thence west along Forest Hill Avenue to its intersection with South Howell Avenue; thence north along Howell Avenue to its intersection with Drexel Avenue; thence west along Drexel Avenue to its intersection with Interstate 94; thence north on Interstate 94 to its intersection with the City limits of the City of Milwaukee; thence following the City limits of the City of Milwaukee northerly and easterly to the point of beginning.

- (b) District One shall be comprised of Ward One, Ward Two and Ward Three.

(2) **Aldermanic District Two.**

- (a) District Two shall be bounded as follows:

Commencing at the intersection of South 27<sup>th</sup> Street and West College Avenue; thence east on College Avenue to its intersection with the City limits of the City of Milwaukee, thence south and east along the City limits with the City of Milwaukee to their intersection with Interstate 94; thence south along Interstate 94 to its intersection with West Drexel Avenue; thence east along Drexel Avenue to its intersection with South Howell Avenue; thence south along Howell Avenue to its intersection with West Puetz Road; thence west along Puetz Road to its intersection with South 27<sup>th</sup> Street; thence north along 27<sup>th</sup> Street to the point of beginning.

- (b) District Two shall be comprised of Ward Four, Ward Five and Ward Six.

(3) **Aldermanic District Three.**

- (a) District Three shall be bounded as follows:

Commencing at the intersection of South Howell Avenue and East Forest Hill Avenue; thence east along Forest Hill Avenue to its intersection with the Union Pacific Railroad; thence northerly along the Union Pacific Railroad to its intersection with East Drexel Avenue; thence east along Drexel Avenue to its intersection with South Pennsylvania Avenue; thence south along Pennsylvania Avenue to its intersection with East Forest Hill Avenue; thence east along Forest Hill Avenue to its intersection with South 15<sup>th</sup> Avenue; thence south along 15<sup>th</sup> Avenue to its intersection with STH 100; thence west along STH 100 to its intersection with South Pennsylvania Avenue; thence south along South Pennsylvania Avenue to its intersection with East Oakwood Road; thence west along Oakwood Road to its intersection with South Nicholson Road; thence north along Nicholson Road to its intersection with East Fitzsimmons Road; thence west along Fitzsimmons Road to its intersection with South Howell Avenue; thence north

along Howell Avenue to the point of beginning.

- (b) District Three shall be comprised of Ward Seven, Ward Eight and Ward Nine.

(4) **Aldermanic District Four.**

- (a) District Four shall be bounded as follows:

Commencing at the intersection of East Forest Hill Avenue and South 15<sup>th</sup> Avenue; thence east along Forest Hill Avenue to South Chicago Road; thence continuing east along the City limits with the City of South Milwaukee to its intersection with Lake Michigan; thence southerly along the shoreline of Lake Michigan to its intersection with the City limits with Racine County; thence west along the City limits with Racine County to its intersection with the Union Pacific Railroad; thence northerly along the Union Pacific Railroad to its intersection with East Oakwood Road; thence east along Oakwood Road to its intersection with South Pennsylvania Avenue; thence north along Pennsylvania Avenue to its intersection with STH 100; thence east along STH 100 to its intersection with South 15<sup>th</sup> Avenue; thence north along 15<sup>th</sup> Avenue to the point of beginning.

- (b) District Four shall be comprised of Ward Ten, Ward Eleven and Ward Twelve.

(5) **Aldermanic District Five.**

- (a) District Five shall be bounded as follows:

Commencing at the intersection of West Ryan Road and South 13<sup>th</sup> Street; thence east along Ryan Road to its intersection with South Shepard Avenue; thence south along Shepard Avenue to its intersection with East Fitzsimmons Road; thence east along Fitzsimmons Road to its intersection with South Nicholson Road; thence south along Nicholson Road to intersection with East Oakwood Road; thence east along Oakwood Road to its intersection with the Union Pacific Railroad tracks; then south along the Union Pacific Railroad tracks to

their intersection with the City limits with Racine County; thence west along the City limits with Racine County to their intersection with South 13<sup>th</sup> Street; thence north on 13<sup>th</sup> Street to the point of beginning.

- (b) District Five shall be comprised of Ward Thirteen, Ward Fourteen and Ward Fifteen.

(6) **Aldermanic District Six.**

- (a) District Six shall be bounded as follows:

Commencing at the intersection of South 27<sup>th</sup> Street and West Puetz Road; thence east along Puetz Road to its intersection with South Howell Avenue; thence south along Howell Avenue to its intersection with West Ryan Road; thence west along Ryan Road to its intersection with South 13<sup>th</sup> Street; thence south on 13<sup>th</sup> Street to its intersection with the City limits with Racine County; thence west along the City limits with Racine County to their intersection with South 27<sup>th</sup> Street; thence north on 27<sup>th</sup> Street to the point of beginning.

- (b) District Six shall be comprised of Ward Sixteen, Ward Seventeen, Ward Eighteen and Ward Nineteen.

*Ordinance #2146 A 9/4/01 Sec. 2.06*  
*Ordinance #2634 A 11/1/11 Sec.2.06*

**SEC. 2.07 WARD BOUNDARIES.**

- (a) The City of Oak Creek shall be divided into nineteen (19) wards, the respective boundaries of which shall be as follows:

(1) **Ward One.**

- (a) Ward One shall be bounded as follows:

Commencing at the intersection of East College Avenue and South Pennsylvania Avenue; thence south along Pennsylvania Avenue to its intersection with East Rawson Avenue; thence west on Rawson Avenue to its intersection with Interstate 94; thence north along Interstate 94 to the City limits with the City of Milwaukee; thence following easterly along the City limits

with the City of Milwaukee to the point of beginning.

- (b) The polling place for Ward One shall be at the Oak Creek-Franklin School Administration Building (7630 S. 10<sup>th</sup> Street).

(2) **Ward Two.**

- (a) Ward Two shall be bounded as follows:

Commencing at the intersection of East Rawson Avenue and South Taylor Avenue; thence south along Taylor Avenue as it continues as East Missouri Avenue to its intersection with South Quincy Avenue; thence south on Quincy Avenue to its intersection with East Drexel Avenue; thence east on Drexel Avenue to its intersection with the Union Pacific Railroad; thence southerly along the Union Pacific Railroad to its intersection with East Forest Hill Avenue; thence west along Forest Hill Avenue to the intersection with South Howell Avenue; thence north along Howell Avenue to its intersection with Drexel Avenue; thence west along Drexel Avenue to its intersection with Interstate 94; thence north along Interstate 94 to its intersection with West Rawson Avenue; thence east along Rawson Avenue to the point of beginning.

- (b) The polling place for Ward Two shall be at the Oak Creek-Franklin School Administration Building (7630 S. 10<sup>th</sup> Street).

(3) **Ward Three.**

- (a) Ward Three shall be bounded as follows:

Commencing at the intersection of East Rawson Avenue and South Taylor Avenue; thence south along Taylor Avenue as it continues as East Missouri Avenue to its intersection with South Quincy Avenue; thence south on Quincy Avenue to its intersection with East Drexel Avenue; thence east on Drexel Avenue to its intersection with South Pennsylvania Avenue; thence north on Pennsylvania Avenue to its intersection with East Rawson Avenue; thence west on Rawson Avenue to the point of beginning.

- (b) The polling place for Ward Three shall be at the Oak Creek-Franklin School Administration Building.

(4) **Ward Four.**

- (a) Ward Four shall be bounded as follows:

Commencing at the intersection of West Drexel Avenue and South 27<sup>th</sup> Street; thence south along 27<sup>th</sup> Street to its intersection with West Puetz Road; thence east on Puetz Road to its intersection with the north branch of the Oak Creek; thence north along said creek to its intersection with West Drexel Avenue; thence west on Drexel Avenue to the point of beginning.

- (b) The polling place for Ward Four shall be at the Oak Creek West Middle School at 8401 S. 13<sup>th</sup> Street.

(5) **Ward Five.**

- (a) Ward Five shall be bounded as follows:

Commencing at the intersection of West Drexel Avenue and Interstate 94; thence north along Interstate 94 to the City limits with the City of Milwaukee; thence following the City limits with the City of Milwaukee westerly to its intersection with South 27<sup>th</sup> Street; thence south on 27<sup>th</sup> Street to its intersection with West Drexel Avenue; thence east on Drexel Avenue to the point of beginning.

- (b) The polling place for Ward Five shall be at the Oak Creek West Middle School at 8401 S. 13<sup>th</sup> Street.

(6) **Ward Six.**

- (a) Ward Six shall be bounded as follows:

Commencing at the intersection of South Howell Avenue and West Drexel Avenue; thence west along Drexel Avenue to its intersection with the north branch of the Oak Creek; then southerly along said Creek to its intersection with West Puetz Road; thence east along Puetz Road to its intersection with South Howell Avenue; thence north along Howell Avenue to the point of beginning.

- (b) The polling place for Ward Six shall be at the Oak Creek West Middle School at 8401 S. 13<sup>th</sup> Street.

(7) **Ward Seven.**

- (a) Ward Seven shall be bounded as follows:

Commencing at the intersection of South 15<sup>th</sup> Avenue and East Puetz Road; thence south along 15<sup>th</sup> Avenue to its intersection with STH 100; thence west along STH 100 to its intersection with South Pennsylvania Avenue; thence south along Pennsylvania Avenue to its intersection with East Oakwood Road; thence west along Oakwood Road to its intersection with South Nicholson Road; thence north along Nicholson Road to its intersection with East Fitzsimmons Road; thence west along Fitzsimmons Road to its intersection with South Shepard Avenue thence north along Shepard Avenue to its intersection with East Puetz Road; thence east along Puetz Road to the point of beginning.

- (b) The polling place for Ward Seven shall be at the Oak Creek East Middle School at 9330 S. Shepard Avenue.

(8) **Ward Eight.**

- (a) Ward Eight shall be bounded as follows:

Commencing at the intersection of South 15<sup>th</sup> Avenue and East Puetz Road; thence west along Puetz Road to its intersection with South Shepard Avenue; thence north on Shepard Avenue to its intersection with East Forest Hill Avenue; thence east on Forest Hill Avenue to its intersection with the Union Pacific Railroad tracks; thence northerly along the Union Pacific Railroad tracks to their intersection with East Drexel Avenue; thence east on Drexel Avenue to its intersection with South Pennsylvania Avenue; thence south on Pennsylvania Avenue to its intersection with East Forest Hill Avenue; thence east on Forest Hill Avenue to its intersection with South 15<sup>th</sup> Avenue to the point of beginning.

- (b) The polling place for Ward Eight shall be at the Oak Creek East Middle School at 9330 S. Shepard Avenue.

(9) **Ward Nine.**

- (a) Ward Nine shall be bounded as follows:

Commencing at the intersection of East Forest Hill Avenue and South

Shepard Avenue; thence south on Shepard Avenue to its intersection with STH 100; thence west on STH 100 to its intersection with South Howell Avenue; thence north on Howell Avenue to its intersection with East Forest Hill Avenue; thence east on Forest Hill Avenue to the point of beginning.

- (b) The polling place for Ward Nine shall be at the Oak Creek East Middle School 9330 S. Shepard Avenue.

(10) **Ward Ten.**

- (a) Ward Ten shall be bounded as follows:

Commencing at the intersection of East Forest Hill Avenue and South 15<sup>th</sup> Avenue; thence east along the City limits with the City of South Milwaukee to their intersection with South 5<sup>th</sup> Avenue; thence south along 5<sup>th</sup> Avenue to its intersection with East Puetz Road; then west along Puetz Road to its intersection with the C & NW Trans Co railroad tracks; thence south along the C & NW Trans Co railroad tracks to their intersection with East American Avenue; thence west along American Avenue to its intersection with South Chicago Road; thence north along Chicago Road to its intersection with East Madeira Drive; thence west on Madeira Drive to its intersection with East Carrollton Drive; thence west on Carrollton Drive to its intersection with South 15<sup>th</sup> Avenue; thence north on 15<sup>th</sup> Avenue to the point of beginning.

- (b) The polling place for Ward Ten shall be at the Carrollton Elementary School at 8965 S. Carrollton Drive.

(11) **Ward Eleven.**

- (a) Ward Eleven shall be bounded as follows:

Commencing at the intersection of South 5<sup>th</sup> Avenue and the City limits with the City of South Milwaukee; thence south along 5<sup>th</sup> Avenue to its intersection with East Puetz Road; thence west along Puetz Road to its intersection with the C & NW Trans Co railroad tracks; thence south along the C & NW Trans Co railroad tracks to their intersection with East American Avenue; thence west along American Avenue to its intersection with South Chicago Road; thence north along

Chicago Road to its intersection with East Madeira Drive; thence west on Madeira Drive to its intersection with East Carrollton Drive; thence west on Carrollton Drive to its intersection with South 15<sup>th</sup> Avenue; thence south on 15<sup>th</sup> Avenue to its intersection with STH 100; thence east on STH 100 to its intersection with South Pennsylvania Avenue; thence south on Pennsylvania Avenue to its intersection with East Oakwood road; thence east on Oakwood Road to its intersection with South 12<sup>th</sup> Avenue; thence north on 12<sup>th</sup> Avenue to its intersection with East O'Brien Road; thence east on O'Brien Road to its intersection with South Chicago Road; thence south on Chicago Road to its intersection with East Oakwood Road; thence east on Oakwood Road to its intersection with the C & NW Trans Co railroad tracks; thence south along the C & NW Trans Co railroad tracks to their intersection with the City limits of Racine County; thence east along the City limits with Racine County to the shoreline of Lake Michigan; thence northerly along the shoreline of Lake Michigan to the City limits with the City of South Milwaukee; thence westerly along the City limits with the City of South Milwaukee to the point of beginning.

- (b) The polling place for Ward Eleven shall be at the Carrollton Elementary School at 8965 S. Carrollton Drive.

(12) **Ward Twelve.**

- (a) Ward Twelve shall be bounded as follows:

Commencing at the intersection of South Pennsylvania Avenue and East Oakwood Road; thence east on Oakwood Road to its intersection with South 12<sup>th</sup> Avenue; thence north on 12<sup>th</sup> Avenue to its intersection with East O'Brien Road; thence east on O'Brien Road to its intersection with South Chicago Road; thence south on Chicago Road to its intersection with East Oakwood Road; thence east on Oakwood Road to its intersection with the C & NW Trans Co railroad tracks; thence south along the C & NW Trans Co railroad tracks to their intersection with the City limits with Racine County; thence west along the City limits

with Racine County to the intersection with the Union Pacific Railroad tracks; thence northwesterly along the Union Pacific Railroad tracks to their intersection with East Oakwood Road; thence east along Oakwood Road to the point of beginning.

- (b) The polling place for Ward Twelve shall be at the Carrollton Elementary School, at 8965 S. Carrollton Drive.

(13) **Ward Thirteen.**

- (a) Ward Thirteen shall be bounded as follows:

Commencing at the intersection of West Ryan Road (STH 100) and South 13<sup>th</sup> Street; thence east on STH 100 to its intersection with South Shepard Avenue; thence south on Shepard Avenue to its intersection with East Fitzsimmons Road; thence west on Fitzsimmons Road to its intersection with South Howell Avenue; thence south on Howell Avenue to its intersection with the City limits with Racine County; thence west along the City limits with Racine County to their intersection with South 13<sup>th</sup> Street; thence north on 13<sup>th</sup> Street to the point of beginning.

- (b) The polling place for Ward Thirteen shall be at the Meadowview Elementary School at 10420 S. McGraw Drive.

(14) **Ward Fourteen.**

- (a) Ward Fourteen shall be bounded as follows:

Commencing at the intersection of South Shepard Avenue and East Fitzsimmons Road, thence east on Fitzsimmons Road to its intersection with South Nicholson Road; thence south on Nicholson Road to its intersection with East Oakwood Road; thence west on Oakwood Road to its intersection with South McGraw Drive; thence south on McGraw Drive to its intersection with East Elm Road; thence west on Elm Road to its intersection with South Shepard Avenue; thence north on Shepard Avenue to its intersection with East Oakwood Road; thence west on Oakwood Road to its intersection with South Howell Avenue; thence north on Howell Avenue to its intersection with East Fitzsimmons Road;

thence east on Fitzsimmons Road to the point of beginning.

- (b) The polling place for Ward Fourteen shall be at the Meadowview Elementary School at 10420 S. McGraw Drive.

(15) **Ward Fifteen.**

- (a) Ward Fifteen shall be bounded as follows:

Commencing at the intersection of South Nicholson Road to and East Oakwood Road; thence west on Oakwood Road to its intersection with South McGraw Drive; thence south on McGraw Drive to its intersection with East Elm Road; thence west on Elm Road to its intersection with South Shepard Avenue; thence north on Shepard Avenue to its intersection with East Oakwood Road; thence west on Oakwood Road to its intersection with South Howell Avenue; thence south on Howell Avenue to its intersection with the City limits with Racine County; thence east along the City limits with Racine County to the Union Pacific Railroad tracks; thence north along the Union Pacific Railroad tracks to their intersection with East Oakwood Road; thence west on Oakwood Road to the point of beginning.

- (b) The polling place for Ward Fifteen shall be at the Meadowview Elementary School at 10420 S. McGraw Drive.

(16) **Ward Sixteen.**

- (a) Ward Sixteen shall be bounded as follows:

Commencing at the intersection of South 27<sup>th</sup> Street and West Puetz Road; thence south on 27<sup>th</sup> Street to its intersection with West Ryan Road; thence east on Ryan Road to its intersection with South 13<sup>th</sup> Street; thence north on 13<sup>th</sup> Street to its intersection with West Puetz Road to the point of beginning.

- (b) The polling place for Ward Sixteen shall be at the Oak Creek Community Center at 8580 S. Howell Avenue.

(17) **Ward Seventeen.**

- (a) Ward Seventeen shall be bounded as follows:

Commencing at the intersection of South Howell Avenue and West Puetz Road; thence south on Howell Avenue to its intersection with West Oak Leaf Drive; thence west on Oak Leaf Drive to its intersection with South Aspen Drive; thence north along Aspen Drive to its intersection with West Centennial Drive; thence west on Centennial Drive which continues into South Country Drive; thence following Country Drive north to its intersection with South Sunnyview Drive; thence westerly along Sunnyview Drive to its intersection with South Wood Creek Drive; thence north along Wood Creek Drive to its intersection with West Puetz Road; thence east along Puetz Road to the point of beginning.

- (b) The polling place for Ward Seventeen shall be at the Oak Creek Community Center at 8580 S. Howell Avenue.

(18) **Ward Eighteen**

- (a) Ward Eighteen shall be bounded as follows:

Commencing at the intersection of South 13<sup>th</sup> Street and West Ryan Road (STH 100); thence south along 13<sup>th</sup> Street to the City limits with Racine County; thence west along the City limits with Racine County to South 27<sup>th</sup> Street (also being the City limits with the City of Franklin); thence north along 27<sup>th</sup> Street to its intersection with West Ryan Road; thence east on Ryan Road to the point of beginning.

- (b) The polling place for Ward Eighteen shall be at the Oak Creek Community Center at 8580 S. Howell Avenue.

(19) **Ward Nineteen**

- (a) Ward Nineteen shall be bounded as follows:

Commencing at the intersection of South Howell Avenue and West Oak Leaf Drive; thence west on Oak Leaf Drive to its intersection with South Aspen Drive; thence north along Aspen Drive to its intersection with West Centennial Drive; thence West on Centennial Drive which continues into South Country Drive; thence following Country Drive north to its intersection with South Sunnyview Drive; thence

westerly along Sunnyview Drive to its intersection with South Wood Creek Drive; thence north along Wood Creek Drive to its intersection with West Puetz Road; thence west along Puetz Road to its intersection with South 13<sup>th</sup> Street; thence south on 13<sup>th</sup> Street to its intersection with West Ryan Road; thence east on Ryan Road to its intersection with South Howell Avenue, thence north on Howell Avenue to the point of beginning.

- (b) The polling place for Ward Nineteen shall be the Oak Creek Community Center at 8580 S. Howell Avenue.

*Ordinance #2145 A 8/6/01 Sec. 2.07*

*Ordinance #2481, A 11/20/07, Sec. 2.07*

*Ordinance #2633 A 10/4/11 Sec. 2.07*

# MAYOR AND COMMON COUNCIL

## SEC. 2.20 COMMON COUNCIL.

The Mayor and Aldermen of the City of Oak Creek 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: Sec. 62.11, Wis. Stats.

## SEC. 2.21 MAYOR.

### (a) Duties.

- (1) The Mayor shall be the Chief Executive officer of the City. He shall ensure that City ordinances and the State Statutes are observed and enforced.
- (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 have such other duties and responsibilities as are prescribed in the Wisconsin Statutes.

(b) **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 or disapprove within five (5) days, which fact shall be certified thereon by the City Clerk. If the Mayor disapproves, he shall file in writing his objection with the City Clerk, who shall present it to the Council at its next regular 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.

### (c) Mayoral Appointments.

- (1) In the event, the Common Council rejects a Mayor's appointment, the same name may not be submitted for the same position for a period of twelve (12) months after the refusal of such appointment.
- (2) In the event a vacancy occurs in any committee, board or commission requiring the appointment of a citizen member and the Mayor does not nominate a successor thereof for a period of sixty (60) days after the vacancy occurs, the Common Council may then nominate an appointee to such

- position, subject to the approval of the Mayor.
- (3) In the event the Council, by parliamentary practice, tables an appointment by the Mayor, such tabling action shall be effective for that meeting, but at the next regular meeting of the Common Council, such appointment shall be on the meeting agenda for further consideration, and the particular appointment involved may not be tabled a second time.

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

## SEC. 2.22 PRESIDENT OF THE COUNCIL/CHAIN OF COMMAND.

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. In the absence of the Mayor and the President of the Common Council, the next presiding Common Council member, as determined by continuous service seniority, shall have the powers and duties of the Mayor.

State Law Reference: Sec. 62.08(9)(e), Wis. Stats.

## SEC. 2.23 STANDING COMMITTEES

- (a) **Standing Committees.** At the organizational meeting of the Common Council in each year following the annual election, the Council President shall appoint Aldermen to the following standing committees. Each committee shall have such duties and responsibilities as prescribed by this Code of Ordinances, and shall make whatever recommendations to the Council as it deems appropriate or as may be directed by the Council:
- (1) Personnel Committee. The Committee shall consist of a minimum of two (2) Aldermen annually appointed by the Common Council President. The Personnel Committee shall have charge of all matters arising under Ch. 111, Wis. Stats.
  - (2) License Committee. The License Committee shall consist of three (3) Aldermen annually appointed by the Council President. The License Committee shall review

- licensing matters and perform such other duties as assigned by the Council.
- (3) **Capital Improvements Committee.** The Capital Improvements Committee shall consist of three (3) Aldermen annually appointed by the Council President. The Capital Improvements Committee shall perform such duties as assigned by the Council.
  - (4) **Small Claims Committee.** The Small Claims Committee shall consist of the Mayor, the City Clerk, an Aldermanic representative appointed by the Mayor for a one-year term. In addition, the City Administrator shall be an ex-officio member of the Small Claims Committee and shall not be entitled to vote on matters before the Committee. The Committee shall be authorized to settle general non-injury claims up to \$5,000, to issue final decisions on cases brought before the Committee, and to issue legally required formal notices of disallowances when necessary.
  - (5) The Finance Committee shall consist of (3) three aldermen appointed annually by the Common Council president, one citizen representative appointed annually by the Mayor and the Finance Director. The term of the Citizen Representative shall be for one (1) year commencing on May 1<sup>st</sup>. The Mayor, City Administrator, City Clerk and City Treasurer shall be ex officio members of the Committee. The Finance Committee shall perform such duties as assigned by the Council, including making recommendations to the Council on tax incremental financing, capital funding of vehicles, equipment and buildings, investments, revenue analysis, cash flow analysis and other budget related issues.
- (b) **Committee of the Whole.**
- (1) The Mayor shall be the presiding officer of the Committee. The Committee of the Whole shall consist of the Mayor and all Aldermen. The Committee of the Whole shall meet on the Monday preceding the Council meeting and at such other times as the Common Council shall direct.
  - (2) The Mayor shall refer new business coming before the Common Council to the Committee of the Whole, or appropriate officer or appropriate committee, unless otherwise referred or disposed of by motion of the Council. Unless otherwise provided in the reference, the Committee or officer shall report thereon to the Council at its next regular meeting. The chairman

- of the Committee shall report verbally to the Council at the meeting at which the report of the Committee is to be made. Adoption of the Committee report shall comprise final Council action on any ordinance, resolution or other matter recommended for adoption by the Committee report.
- (c) **Committee Appointments.**
    - (1) The chairperson of each committee shall be designated by the Council President. Each member shall serve as appointed unless excused by a majority of the members of the Council. All Aldermen shall serve on at least one (1) 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 serve as chairman.
  - (d) **Special Committees.** The Mayor may, from time to time, appoint such special committee or committees as may be deemed 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. Residency shall not be a requirement for appointment to said special committees.
  - (e) **Cooperation of City Officers.** All City officers shall, upon request of the chairman of the committee, confer with the committee and supply to it such information as may be requested in connection with any matter pending before the committee.
 

*Ordinance #2268 A 9/16/03 Sec. 2.23(a)(4)*  
*Ordinance #2620 A 3/15/11 Sec. 2.23(a)(5)*

## SEC. 2.24 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 shall have the sole and exclu-

sive authority to acquire or convey real property within or without the City for parks, libraries, historic places, recreation, beautification, streets, waterworks, sewerage or waste disposal, harbors, improvement of water courses, public grounds, vehicle parking areas and for any other purpose. No ordinance of the City of Oak Creek or any other municipal ordinance, rule or regulation shall require the approval of any person or entity other than the Common Council for the borrowing for, expenditure of funds on, or acquisition or conveyance of real property by the City through the Common Council. The Common Council may acquire real property within or contiguous 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 in its sole and exclusive authority as set forth in this Section, 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 Sec. 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.

(f) **Public Construction**

The Common Council shall have the sole and exclusive authority to approve Public Construction projects and their funding in the City of Oak Creek provided that the City complies with all requirements of state and local law with respect to approved Public Construction. No ordinance of the City of Oak Creek or any other municipal ordinance, rule, or regulations shall require the approval of any person or entity other than the Common Council for the borrowing for, expenditure of funds on, or initiation or completion of Public Construction. "Public Construction" is construction funded in whole or in part by the City and subject to the competitive bidding requirements of Section 62.15 Wis. Stats. as amended. This ordinance does not prohibit state and federal statutory and regulatory approval requirements that otherwise apply to Public Construction.

- (g) **Vacancies.** Pursuant to Section 62.095(5), Wis. Stats., if any officer is incapacitated or absent for any cause, the Common Council may appoint some person to discharge the duties until he returns or such disability has ended.

*Ordinance 2482, A 12/18/07, Sec. 2.24(f)*

*Ordinance 2490, A 2/5/08, Sec. 2.24(g)*

*Ordinance 2578, A 1/19/10, Sec. 2.24(b)&(f)*

**SEC. 2.25 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. 2.26 INTERNAL POWERS OF THE COUNCIL.**

The Common Council has the power to preserve order at its meetings, compel attendance of Aldermen 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. 2.27 SALARIES.**

The Mayor and Aldermen 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 Aldermen. Salaries shall not be increased or decreased during their term of office.

State Law Reference: Sec. 66.196, Wis. Stats.

### **SEC. 2.28 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.
- (b) **Regular Meetings.** Regular meetings of the Common Council shall be held on the first and third Tuesdays of each calendar month, at the hour of 7:00 p.m., or as otherwise scheduled by the Council. Any regular meetings falling upon a legal holiday shall be held as designated by majority vote of the Common Council. All meetings of the Council shall be held in the Oak Creek City Hall, including special and adjourned meetings, unless another location is designated by the Common Council.

State Law Reference: Sec. 62.11(2), Wis. Stats.  
*Ordinance #2213 A 09/03/02 Sec. 2.28(b)*

### **SEC. 2.29 SPECIAL MEETINGS.**

Special meetings shall comply with the notice provisions of the Wisconsin Open Meeting Law. In addition, a special meeting may be called by a written request signed by two (2) Aldermen, which written notice for said special meeting shall be delivered to every member of the Council and the Mayor personally, or left at their abode at least six (6) hours before said meeting being called. If written consent is obtained, it shall be filed with the City Clerk prior to the beginning of the meeting.

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

### **SEC. 2.30 OPEN MEETINGS.**

Except as provided in Sec. 19.85, Wis. Stats., all meetings of the Common Council, committees thereof, and City boards, committees and commissions, shall be open to the public.

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

### **SEC. 2.31 QUORUM.**

- (a) Two-thirds (2/3) of the 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. The Mayor shall not be counted in computing a quorum. No action shall be taken unless a quorum is present.
- (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. 2.32 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. In the absence of both the Mayor and the President of the Council, the Clerk shall call the Council to order and the Council shall select one of its members president pro-tem. The President of the Council, or such other presiding officer, retains his/her right to vote.
- (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, (Revised), unless otherwise provided by statute or by this Chapter. Any member shall have the right to appeal from a decision of the presiding officer. An appeal shall be sustained by a two-thirds (2/3) 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. 2.33 ORDER OF BUSINESS.**

- (a) **Order of Business.** At all regular meetings, the order of business shall be according to the agenda prepared by the City Clerk. All copies of the agenda shall be forwarded by the City Clerk to members of the Council. Generally, the following order may be observed in the conduct of all meetings of the Council:
  - (1) Call to Order by presiding officer.
  - (2) Roll call.
  - (3) Pledge of Allegiance.
  - (4) Correction and approval of the minutes of the last preceding meeting or meetings.
  - (5) Old business.
  - (6) New business, including the introduction of ordinances and resolutions.
  - (7) Communications and miscellaneous business.
  - (8) Any other business permitted by law.
  - (9) Adjournment.
- (b) **Citizen Comments.** The Mayor or presiding officer shall determine at what point in a meeting citizens will be called upon to speak and may impose a limit on the length of time a citizen may address the Council.

### **SEC. 2.34 INTRODUCTION OF ORDINANCES.**

- (a) **Ordinances to be in Writing.** All ordinances submitted to the Council shall be in writing and

shall begin with a title and the name of the Alderman or Mayor introducing the same. All ordinances shall be drafted by the City Attorney, or under his consultation, at the request of the Mayor or any member of the Council; and upon passage by the Council, the City Clerk shall supervise the printing of the same. Any written material introduced may be referred to the appropriate committee pursuant to Section 2.23. 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.** 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.

#### **SEC. 2.35 PUBLICATION AND EFFECT OF ORDINANCES.**

- (a) All general ordinances of the City 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. 2.36 CONDUCT OF DELIBERATIONS.**

- (a) **Robert's Rules of Order, Revised.** Unless otherwise provided in these rules, the Council in its deliberations shall be guided by Robert's Rules of Order, Revised.
- (b) **Recognition and Speaking.** No member shall address the Council until he has been recognized by the presiding officer. He shall address himself to the presiding officer and confine his remarks to the question under discussion and avoid all personalities. When two (2) or more members

seek recognition, the presiding officer shall name the member who is to speak first.

#### (c) **Motions.**

- (1) No motion shall be discussed or action taken upon the motion 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. If a person seconding a motion withdraws his second, another second shall be required in order for action to be taken on the motion.
- (2) When a question is under discussion, the following motions shall have precedence in the order listed:
  - a. To adjourn.
  - b. To recess.
  - c. To lay on the table.
  - d. To move the previous question.
  - e. To postpone to a day certain.
  - f. To refer to a committee.
  - g. To amend.
  - h. To postpone indefinitely.
- (3) Any member wishing to terminate debate may move the previous question, which shall require a two-thirds (2/3) vote of the members present.

#### (d) **Voting.**

- (1) Any member of the Council may demand an aye and nay vote on any matter, and all aye and nay votes shall be recorded in the proceedings (or minutes). On confirmation of appointments 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 aye and nay. Every member of the Council shall vote when a question is put unless the Council by a majority vote of those present shall excuse him for special cause; however, a member of the Council may abstain from voting because of a conflict of interest or if voting would constitute a violation of state or local law. A member of the Council may not change his vote on any question after the result has been announced.
- (2) The Mayor shall not vote except in the case of tie, or in the case of a tie on a confirmation vote. Except as otherwise provided, a majority vote of those present shall prevail in all cases.

- (e) **Reconsideration of Questions.** Any member voting in the majority may move reconsideration of any question, except confirmation of the appointment of a City official, at the same meeting

or at the next succeeding regular meeting. A motion to reconsider being put and lost shall not be renewed.

- (f) **Suspension of Rules.** These rules or any part thereof may be temporarily suspended by a recorded vote of two-thirds (2/3) of the members present.
- (g) **Amendment of Rules.** The rules in this Section or any part thereof may be amended by a recorded vote of two-third (2/3) of all the members of the Council.

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

# MUNICIPAL OFFICERS AND EMPLOYEES

## SEC. 2.40 GENERAL PROVISIONS.

- (a) **General Powers.** Officers of the City of Oak Creek shall have generally the powers and duties prescribed for like officers of cities, 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 by the Common 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) **Rules.** All officers and departments may make the necessary rules for the conduct of their duties and incidental proceedings.
- (c) **Applicability of Ethics Statutes.** The general laws for the punishment of bribery, misdemeanors and corruption in office shall apply to City officers.
- (d) **Legal Representation.** Whenever any City official in his official capacity is proceeded against or obliged to proceed before any civil court, board, committee or commission, to defend or maintain his official position, or because of some act arising out of the performance of his official duties, and he has prevailed in such proceedings, or the 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.
- (e) **Personnel Policies; Compensation.** All officers and employees of the City of Oak Creek are subject to the personnel policies approved by the Common Council and entitled to such wages and benefits as approved by the Common Council.  
State Law Reference: Sections 62.09(7) and 62.115, Wis. Stats.
- (f) **Conflict.** If the provisions of the City or departmental rules conflict with any provision of this Code, the provisions of this Code shall control. Nothing in this Code shall circumvent the provisions of any labor contract between the City and its employees.

## SEC. 2.41 ELECTED OFFICIALS.

The elected officials of the City shall be as follows:

- (a) **Mayor.**
  - (1) When Elected. Every three (3) years, commencing in 1982.
  - (2) Term. Three (3) years.

- (b) **Six Aldermen.**
  - (1) When Elected.
    - a. 1st, 3rd and 5th aldermanic districts: odd-numbered years.
    - b. 2nd, 4th and 6th aldermanic districts: even-numbered years.
  - (2) Term. Two (2) years.
- (c) **City Clerk.**
  - (1) When Elected. Every three years commencing in 2012.
  - (2) Term. Three (3) years.
- (d) **City Treasurer.**
  - (1) When Elected. Every three years commencing in 2012.
  - (2) Term. Three (3) years.
- (e) **Municipal Judge.**
  - (1) When Elected. Every four years commencing in 2012.
  - (2) Term. Four (4) years.

*Ordinance #2607 A11/16/10 2.41(e)*

*Charter Ordinance #14 A 8/16/11 2.41(c)&(d)*

## SEC. 2.42 CITY ADMINISTRATOR.

- (a) **Declaration.** Whereas Article XI, Section 3 of the Wisconsin Constitution provides municipalities with home rule powers, and the right to determine their local affairs and government; and whereas Wisconsin Statutes Sec. 62.04 has granted to cities the largest measure of self-government compatible with the Constitution and general laws and further provides that the exercise of rights and powers of a city shall be liberally construed in favor of the City so as to promote the general welfare of peace, good order and prosperity of the inhabitants; and whereas Wisconsin Statutes Sec. 62.11(5) vests the management of the City in its Common Council which constitutes its Mayor and Alderpersons; and whereas it is deemed by the Common Council to be in the best interest of the management of the City to utilize the services of a professionally trained, qualified City Administrator to provide the Common Council with counsel and advice and management skills so as to foster the most effective and efficient management of the City's governmental operations and finances; and whereas a City Administrator should work closely with, be responsive to, and have the confidence of the Common Council; now, therefore, it is the declared purpose of this subsection to make clear the intent of the Common Council that the position of the City Administrator is in accordance with the authority of the City's home rule powers and is deemed to be a matter of purely local concern.

- (b) **Employment Status.** The position of City Administrator shall be full-time in the unclassified service of the City.
- (c) **Non-Policymaking Nature.** This position shall not be of a policy-making nature in those matters statutorily delegated to the Common Council, boards and commissions, nor shall the City Administrator be a voting member in the creation of such policy.
- (d) **Appointment Procedure.** The City Administrator shall be appointed by the Mayor from a list of five (5) candidates submitted by an ad hoc selection committee appointed by the Mayor subject to confirmation by the Common Council. The appointment of the Administrator shall be subject to confirmation by a majority vote of the Common Council on the basis of merit with due regard for training, experience, administrative ability and general fitness for the office. The City Administrator shall serve for a term as set forth in the employment contract, as provided in sub. (e).
- (e) **Contract.** An employment contract drafted by the City Attorney and approved by the Common Council and the City Attorney shall be entered into between the City and the City Administrator and reviewed on an annual basis.
- (f) **Annual Review.** Annually, prior to renewal of the Administrator's employment contract, the Common Council, as a Committee of the Whole, shall conduct a review and evaluation of the job and job performance of the City Administrator.
- (g) **Removal Procedure.** Removal from the position shall be effected by a majority vote of the Common Council without cause.
- (h) **Residency.** The City Administrator shall be subject to Section 2.48(a) of the Municipal Code, or any subsequent amendments thereto.
- (i) **Salary.** The salary of the City Administrator shall be as the Common Council shall determine and prescribe, and shall be reviewed annually in conjunction with his/her performance evaluation.
- (j) **Duties.**
  - (1) **General Duties.** The City Administrator shall:
    - a. Carry out directives of the Mayor or Common Council, which require administrative implementation.
    - b. Be responsible for the administration of the day-to-day operations of the City government based on those directives.
    - c. Establish administrative procedures to increase the effectiveness and efficiency of City government according to current policies and practices in local government consistent with the directives of the Mayor or Common Council. Copies of all admin-

- istrative directives shall be provided to the Mayor and copies of administrative directives that affect major operations of the City shall also be provided to the Common Council.
- d. Collect and utilize up-to-date information regarding current Federal, State and County legislation and administrative rules affecting the City, and submit appropriate reports and recommendations thereon to the Common Council.
- e. Collect and utilize up-to-date information regarding the availability of Federal, State, County and private funds for local programs, and assist department managers and the Common Council in obtaining such funds, under the direction of the Mayor or Common Council.
- f. Represent the City in matters involving legislative, financial and intergovernmental affairs as authorized by the Mayor or Common Council.
- g. Act in the capacity of public relations officer for the City, as necessary, as authorized by the Mayor or Common Council.
- h. Conduct or direct such studies, with Common Council approval, as are necessary for the internal organization and procedures of the various departments, division and offices, and implement the recommendations of such studies, as authorized by the Mayor or Common Council, and require reports from the various departments when deemed necessary.
- (2) **Responsibilities to the Council.** The City Administrator shall:
  - a. Attend meetings of the Common Council as required by the Mayor or Common Council, unless excused by the Mayor, or Council President in the absence of the Mayor.
  - b. In coordination with the Mayor, Council President and City Clerk, review Common Council agendas for the appropriateness of items thereon, and to ensure that required supporting materials are available to the Council.
  - c. Assist in the preparation of ordinances and resolutions as requested by the Mayor or Common Council, or as needed.
  - d. Provide an Administrator's Report at regular or special Common Council meetings.
  - e. Take necessary emergency action to protect persons or property consistent with existing City Emergency Management plans and policies, under the direction of

the Mayor, if the Common Council due to time constraints, is unable to meet to authorize such action.

f. Inform the Mayor and Common Council concerning any proposed change in services rendered to City residents, taxpayers or City-located businesses which shall appreciably affect the extent, quality or cost effectiveness of such services.

- (3) **Personnel.** The City Administrator shall:
- a. Exercise authority over all department heads in conjunction with the Mayor. Be responsible for the administrative direction and coordination of all employees of the City, according to the established organizational procedures, subject to statutory and ordinance limits which apply. In conjunction with the Mayor, according to the established organizational procedures, conduct annual performance evaluations of all department managers and provide a written summary of the evaluations to the Mayor and Common Council.
  - b. Serve as personnel officer for the City with responsibilities to see that complete and current personnel records, including specific job descriptions for all City employees are kept. Oversee, in conjunction with department managers, the evaluation of performance of all employees on a regular basis. Department heads shall be required to report to the Administrator any corrective actions, disciplinary actions, suspensions or terminations of any employee within his/her department and the Administrator shall report any such activity or action to the Mayor and Common Council.
  - c. The Administrator shall recommend salary and wage scales, benefits and working conditions for City employees not covered by collective bargaining agreements; develop work rules for high standards of performance by City employees.
  - d. Work closely with department managers to promptly resolve personnel problems or grievances.
  - e. Consult with the Personnel Committee and conduct whatever research is necessary for the proper conduct of negotiations with the various bargaining units. The Administrator shall conduct preliminary meetings with department heads and make recommendations to the Personnel Committee regarding union negotiations and other personnel issues. The Administrator

shall assist department managers in attempting to resolve grievances.

f. Work closely with department managers in conjunction with the Mayor to assure that employees receive adequate opportunities for training to maintain and improve their job-related knowledge and skills and act as the approving authority for requests by employees to attend conferences, meetings, training school, etc., provided that funds have been budgeted for these activities.

g. Conduct monthly department manager meetings.

- (4) **Budgeting and Purchasing.** The City Administrator shall:

a. Administer the preparation of the annual City budget in a program budget format and in accordance with guidelines as provided by the Mayor and Common Council, and in coordination with department heads.

b. Administer the budget as adopted by the Common Council.

c. Supervise the purchasing and contracting for the City's supplies and services.

- (k) **Qualifications.** The qualifications for the position of City Administrator shall be as follows:

(1) The minimum requirement shall be a Bachelor's Degree from an accredited college or university with a specialization in public or business administration and at least five (5) years of prior administrative, managerial, public relations and employee relations experience.

(2) The optimum requirement shall be a Master's Degree in a related field and at least five (5) years of prior administrative, managerial, public relations and employee relations experience.

(3) The City Administrator shall be bondable.

(4) The City Administrator shall have considerable knowledge of the functions, policies, laws and regulations of the offices of the City Clerk and City Treasurer.

(5) The City Administrator shall pass a physical examination and a job trait assessment prior to employment.

*Ordinance 2278 A 11/14/03 Sec. 2.42*

*Ordinance 2585 A 3/16/10 Sec. 2.42*

#### **SEC. 2.43 MUNICIPAL JUDGE; MUNICIPAL COURT.**

- (a) **Established.** Pursuant to the authority granted by Chapter 755, Wis. Stats., there is hereby established a Municipal Court for the City of Oak Creek.

- (b) **Office of Municipal Judge Created.** Pursuant to the authority granted by Chapter 755, Wis. Stats., there is hereby created the office of Municipal Judge for the Municipal Court for the City of Oak Creek. Mid-term vacancies in the office of Municipal Judge shall be filled by special election to be held not less than fifty-five (55) nor more than seventy (70) days after the order of the Council therefore.
- (c) **Election; Qualifications.** The Municipal Judge shall be elected at large as prescribed in Section 2.41. No person shall be elected by the people to the office of Municipal Judge who is not at the time of his election and is not during the entire tenure of his term a citizen of the United States, and of this state, a resident of Oak Creek and an attorney licensed to practice law in the State of Wisconsin. The Municipal Judge shall be subject to the Wisconsin Code of Judicial Ethics and shall file an annual financial statement.
- (d) **Salary.** The salary of the Municipal Judge may be increased for a new term prior to the beginning of the term for the Judge, or for the second year of a term before the start of the second year of the term of the Judge, but the salary shall not be decreased during the term of the Judge. No Judge may be paid a salary for that portion of any term during which portion the Judge has not executed the official bond or official oath as required by Sec. 755.03, Wis. Stats., and filed under Sec. 19.01(4)(c) of the Wisconsin Statutes, as amended.
- (e) **Bond; Oath.** The Municipal Judge shall execute and file with the Clerk of the Circuit Court for Milwaukee County the oath prescribed by Sec. 755.03, Wis. Stats., and an official bond in such an amount determined by the Common Council.
- (f) **Jurisdiction.** The Municipal Judge shall have jurisdiction as provided by law and Section 755.045, Wis. Stats., and exclusive jurisdiction of violations of City ordinances and resolutions.
- (g) **Procedure in Municipal Court.**
- (1) The Municipal Court shall be open as determined by order of the Municipal Judge.
  - (2) The Municipal Judge shall keep his office and hold court in City Hall or other designated location.
  - (3) If the Municipal Judge is temporarily absent, sick, or disabled, the provisions of Sec. 800.06(1), Wis. Stats., shall apply, and if the Municipal Judge becomes incompetent, unable, or fails to act, or in the event of a vacancy, the provisions of Sec. 800.06(2), Wis. Stats., shall apply. Any substitute Municipal Judge designated or assigned hereunder shall be compensated as authorized by the Common Council. The Municipal Judge shall satisfy all continuing education requirements for municipal judges.
- (4) Upon the proper and timely written request for substitution of the Municipal Judge, the provisions of Sec. 800.05, Wis. Stats., shall apply.
- (5) The procedure in Municipal Court for the City shall be as provided by this Section and State law, including, without limitation because of enumeration, Chapters 755, 800, and Sec. 23.66 to Sec. 23.99, 778.14, 778.15, 778.18 and 345.20 to 45.53, Wis. Stats. The Court shall abide by the Wisconsin Rules of Evidence and shall abide by the Uniform State Traffic Deposit Schedule. In non-traffic matters, the City Attorney shall draft a bond schedule, which shall become effective upon approval by the Common Council. No bond shall exceed the maximum penalty which could be imposed for the ordinance violation.
- (h) **Fees.**
- (1) Bonds for appearance, partial payments, and other funds collected by the Court shall be treated as escrow funds and deposited with the City Treasurer.
  - (2) The Clerk of the Municipal Court shall collect all forfeitures and costs in any action or proceeding before him or her and shall pay over such moneys to the City Treasurer not later than the seventh (7th) business day succeeding his or her receipt thereof. At the time of payment, the Municipal Court Clerk shall report to the City Treasurer the total amount of the forfeiture, fees, penalty assessments and costs, if any. The City Treasurer shall disburse the fees as provided in Sec. 824.65, Wis. Stats., and disburse any penalty assessments pursuant to Sec. 66.12(1)(b), Wis. Stats.
- (i) **Council May Abolish Municipal Court.** The Common Council may, by ordinance or by law, abolish the Municipal Court at the end of any term for which the Judge has been elected.
- (j) **Statutes Adopted by Reference.** Chapters 755 and 800, Wis. Stats., are hereby adopted by reference.
- (k) **Contempt of Court.**
- (1) The Municipal Judge may punish for contempt of Municipal Court for the City of Oak Creek persons guilty of either of the following acts:

- a. Intentional misconduct in the presence of the court which interferes with a court proceeding or with the administration of justice, or which impairs the due respect for the Court.
  - b. Intentional disobedience, resistance or obstruction of authority, process or order of the Municipal Court.
- (2) No person may be punished for contempt before a Municipal Judge until an opportunity has been given the person to be heard in his or her defense. If the contempt alleged involves disrespect or criticism of a Municipal Judge, that judge is disqualified from presiding at the trial of contempt unless the person charged consents to the judge presiding at the trial. For the purpose of hearing a person's defense, the Municipal Judge may, if the alleged defendant does not appear for trial, issue a warrant for the person to be brought before the Municipal Judge.
- (3) The Municipal Court may, for contempt of court, under the provisions of Sec. 800.12, Wis. Stats., impose a forfeiture of up to Fifty Dollars (\$50.00), plus statutory assessments, for failure to pay said forfeiture and assessments the Court may impose a jail sentence not to exceed seven (7) days.
- (1) **Stipulation and Deposits in Municipal Court.**
- (1) Deposit Schedule to Be Established. The Municipal Judge shall establish and submit to the Common Council for approval in accordance with Sec. 800.03(3), Wis. Stats., a schedule of deposits for violations of City ordinances, resolutions and bylaws except traffic regulations which are governed by Sec. 345.27, Wis. Stats., and boating violations governed by Sec. 23.67, Wis. Stats. When approved by the Council, such deposit schedule shall be posted in the office of the Municipal Court Clerk and City Police Department.
  - (2) Stipulation and Deposit of Lieu of Court Appearance. Persons cited for violations of City ordinances, resolutions or bylaws for which a deposit has been established under this Subsection shall be permitted to make a stipulation of no contest and a deposit in lieu of court appearance as provided in Secs. 800.03, 800.04 and 800.09, Wis. Stats.
  - (3) Traffic and Boating Deposits. The deposit schedule established by the Wisconsin Board of County Judges and the procedures set forth in Chs. 23 and 345, Wis. Stats., shall apply to stipulations and depo-

- sits for violation of traffic regulations enacted in accordance with Sec. 345.27 and boating regulations enacted in accordance with Sec. 30.77, Wis. Stats.
- (4) When Not Permitted. Stipulations and deposits shall not be permitted after initial appearance or in cases of contempt under Subsection (k).

State Law Reference: Chapters 755 and 800, Wis. Stats.

#### **SEC. 2.44 APPOINTED OFFICIALS**

All employees and appointed officials shall perform those duties prescribed in their position descriptions, in addition to responsibilities prescribed herein. Any current department managers that were selected by the Civil Service Commission will remain under the Commission's jurisdiction; their replacements shall be appointed pursuant to this Section. The appointed officials of the City shall be as follows:

- (a) **City Attorney.**
  - (1) Appointment. The City Attorney shall be appointed by the Mayor, subject to confirmation by the Common Council.
  - (2) Term. The City Attorney shall hold office for an indefinite term.
- (b) **Assistant City Attorney.**
  - (1) Appointment. The Assistant City Attorney shall be appointed by the City Attorney.
  - (2) Term. The Assistant City Attorney shall serve at the pleasure of the City Attorney.
- (c) **Weed Commissioner.** The Weed Commissioner shall be appointed by the Mayor pursuant to Sec. 66.97, Wis. Stats.

*Ordinance #2061 A 06/20/00 Sec. 2.44(e)*  
*Ordinance # 2444, A 2/6/07, Sec. 2.44(d)*

#### **SEC. 2.45 DEPARTMENT MANAGERS**

- (a) **Police Chief.**
  - (1) Appointment. The Police Chief shall be appointed by the Police and Fire Commission.
  - (2) Term. The Police Chief shall hold office for an indefinite term.
- (b) **Fire Chief.**
  - (1) Appointment. The Fire Chief shall be appointed by the Police and Fire Commission.
  - (2) Term. The Fire Chief shall hold office for an indefinite term.
- (c) **Director of Community Development.**
  - (1) Appointment. The Director of Community Development shall be appointed by the Mayor, subject to confirmation by the Common Council.

- (2) Term. The Director of Community Development shall hold office for an indefinite term.
- (d) **Community Public Health Officer.**
- (1) Appointment. The Community Public Health Officer (CPHO) shall be appointed by the Mayor, subject to confirmation by the Common Council, and shall be the full-time Health Officer of the City.
- (2) Term. The term of said position shall be indefinite.
- (e) **City Engineer**
- (1) Appointment. The City Engineer shall be appointed by the Mayor subject to confirmation by the Common Council.
- (2) Term. The City Engineer shall hold office for an indefinite term.
- (f) **Utility Manager.**
- (1) Appointment. The Manager of the Water and Sewer Utility shall be appointed by the Board of Water Works and Sewer Utility Commission.
- (2) Term. The Utility Manager shall hold office for an indefinite term.
- (g) **City Librarian.**
- (1) Appointment. The City Librarian shall be appointed by the Library Board solely on the basis of merit, training, experience, administrative ability, efficiency and general qualifications and fitness for performing the duties of the position.
- (2) Term. The City Librarian shall hold office for an indefinite term subject to removal for cause by the Library Board.
- (h) **Director of Parks and Recreation.**
- (1) Appointment. The Director of Parks and Recreation shall be appointed by the Mayor subject to confirmation by the Common Council.
- (2) Term of Office. The Director of Parks and Recreation shall serve an indefinite term of office.
- (i) **Assessor.**
- (1) Appointment. The City Assessor shall be appointed by the Mayor, subject to confirmation by the Common Council.
- (2) Term. The City Assessor shall serve an indefinite term of office.
- (j) **Building Commissioner**
- (1) Appointment. The Building Commissioner shall be appointed by the Mayor, subject to confirmation by the Common Council. The Building Commissioner shall supervise the Inspection Department.

- (2) Term. The Building Commissioner shall serve for an indefinite term.
- (k) **Street Superintendent**
- (1) Appointment. The Street Superintendent shall be appointed by the Mayor, subject to confirmation by the Common Council.
- (2) Term of office. The Street Superintendent shall serve an indefinite term of office.
- (l) **Finance Director.**
- (1) Appointment. The Finance Director shall be appointed by the Mayor, subject to confirmation by the Common Council.
- (2) Term of Office. The Finance Director shall serve an indefinite term of office.
- (m) **Information Technology Manager**
- (1) Appointment. The Information Technology Manager shall be appointed by the Mayor, subject to confirmation by the Common Council.
- (2) Term of Office. The Information Technology Manager shall serve an indefinite term of office.

*Ordinance # 2205 A 07/16/02 Sec. 2.45(j)*

*Ordinance #2274 A 9/16/03 Sec. 2.45(e)*

*Ordinance #2357 A 6/7/05 Sec. 2.45(k)*

*Ordinance # 2359 A 7/19/05, Sec. 2.45(j)*

*Ordinance # 2408 A 6/6/06, Sec. 2.45(d)*

*Ordinance #2546, A 2/16/09, Sec. 2.45(1) and (m)*

**SEC. 2.46 NON-UNION EMPLOYEES BELOW DEPARTMENT MANAGER STATUS.**

- (a) **Positions Designated.** The following employment positions, classified by department supervisor, are hereby created:
- (1) City Clerk. The following positions shall be filled by appointment by the City Clerk from an eligible list supplied by the Civil Service Commission:
- a. Deputy Clerk
- (2) City Administrator. The following positions shall be filled by the City Administrator from an eligible list supplied by the Civil Service Commission:
- a. Personnel Specialist
- b. Facilities Maintenance Supervisor
- (3) City Treasurer. The following positions shall be filled by appointment by the City Treasurer from an eligible list supplied by the Civil Service Commission:
- a. (Reserved)
- (4) Engineering Department. The following positions shall be filled by appointment by the City Engineer from an eligible list supplied by the Civil Service Commission.
- a. Development Engineer
- b. Construction Coordinator
- c. Design Engineer

- (5) Department of Community Development. The following positions shall be filled by appointment by the Director of Community Development from an eligible list supplied by the Civil Service Commission:
- a. Planner
  - b. Zoning Administrator/Planner
- (6) Water and Sewer Utility. The following positions shall be filled by appointment by the Board of Water Works and Sewer Utility Commission from an eligible list supplied by the Civil Service Commission:
- a. Field Operations Supervisor
  - b. Chief Operator, Water Treatment Plant
  - c. Administrative Supervisor
  - d. Utility Engineer
- (7) Recreation Department. The following positions shall be filled by appointment by the Parks and Recreation Director from an eligible list supplied by the Civil Service Commission:
- a. Parks Maintenance Supervisor
  - b. Urban Forester.
  - c. Recreation Supervisor
- (8) Library. The following positions shall be filled by appointment by the City Librarian, subject to Library Board confirmation:
- a. Assistant City Librarian
  - b. Reference Librarian
  - c. Children/Young Adult Librarian
  - d. Library Services Assistant
- (9) Police Department.
1. The following positions shall be filled by appointment of the Police Chief, subject to Police and Fire Commission confirmation:
    - a. Captain
    - b. Lieutenant
  2. The following positions shall be filled by appointment of the Police Chief, from an eligible list supplied by the Civil Service Commission:
    - a. Dispatch Manager
    - b. Dispatch Supervisor
- (10) Fire Department. The following positions shall be filled by appointment of the Fire Chief, subject to Police and Fire Commission confirmation:
- a. Assistant Fire Chief
  - b. Battalion Chief
- (11) Health Department.
- a. The following positions shall be filled by the Community Public Health Officer from an eligible list supplied by the Civil Service Commission:
    - a. Public Health Nurse Supervisor/Deputy Health Officer
    - b. Public Health Nurses
    - c. Registered Sanitarian
- (12) Street Department. The following positions shall be filled by appointment of the Street Superintendent from an eligible list supplied by the Civil Service Commission:
- a. Street Supervisor
- (13) Inspection Department.
- a. The following position shall be filled by appointment by the Building Commissioner and shall be a Civil Service position:
    1. Inspection Supervisor, who shall be selected from a position identified at sub(b)(1)-(4).
  - b. The following positions shall be filled by appointment by the Building Commissioner from an eligible list supplied by the Civil Service Commission:
    1. Building Inspector
    2. Electrical Inspector
    3. Plumbing Inspector
    4. Plumbing/Building Inspector
- (14) Information Technology Department. The following positions shall be filled by appointment of the Information Technology Manager from an eligible list supplied by the Civil Service Commission:
- a. Computer Specialist
- (15) Finance Department. The following positions shall be filled by appointment of the Finance Director from an eligible list supplied by the Civil Service Commission.
- a. (Reserved)
- (b) **Other Positions.** All positions subordinate to the above named Department Managers except those positions in the library, police department and fire department shall be filled and governed by Civil Service standards and regulations.
- (c) **Duties.** The duties to be performed by the employees in the above positions shall be as prescribed in the pertinent position description.
- (d) **Procedure for Appointments.** All appointments under this Section shall be pursuant to personnel policies adopted by the Common Council.
- (e) **Compensation.** All employees and officers appointed pursuant to this Section shall receive

such compensation as may be determined by the Common Council from time to time.

*Ordinance # 2357, A 6/7/05 Sec. 2.46(a)(12)*

*Ordinance # 2359, A 7/19/05 Sec. 2.46(a)(13)*

*Ordinance # 2361, A 8/1/05 Sec. 2.46(a)(11)*

*Ordinance # 2394, A 5/2/06, Sec. 2.46(a)(5)*

*Ordinance #2444, A 2/6/07, Sec.2.46(a)(11)*

*Ordinance #2547, A 2/16/09, Sec.2.46*

### **SEC. 2.47 COMPLIANCE WITH FAIR LABOR STANDARDS ACT.**

The City of Oak Creek shall comply with all provisions of the Federal Fair Labor Standards Act. The City Clerk-Comptroller shall develop and establish record keeping payment inclusions and payroll practices to assure good faith compliance with the Act. The following positions shall be exempt from the provision of the Fair Labor Standards Act:

- (a) **Parks and Recreation Department.** Director of Parks and Recreation.
- (b) **Public Works Department; Highway Division.** Street Superintendent and Street Division Supervisor.
- (c) **Community Development Department.** Director of Community Development and Assistant Director of Planning.
- (d) **Inspection Department.** Building Commissioner, Inspection Supervisor, Building Inspector, Building/Fire Inspector, Plumbing Inspector and Electrical Inspector.
- (e) **Public Works Department; Engineering Division.** City Engineer, Design Engineers, Construction Engineer and Development Engineer.
- (f) **Water and Sewer Utility.** Utility Manager, Operations Supervisor, Field Operations Supervisor, Chief Operator, and Administrative Supervisor.
- (g) **Police Department.** Police Chief, Captain, Lieutenants and Sergeants.
- (h) **Fire Department.** Fire Chief, Assistant Fire Chiefs, Captains and Lieutenants.
- (i) **Health Department.** Community Public Health Officer and Public Health Nurses.
- (j) **General Government.** City Administrator, City Clerk, City Assessor, City Treasurer, IT Manager, City Attorney, Municipal Judge, Mayor and Aldermen.

*Ordinance # 2359, A 7/19/05 Sec. 2.47(d)*

*Ordinance # 2408, A 6/6/06 Sec. 2.47(i)*

### **SEC. 2.48 RESIDENCY REQUIREMENTS.**

Notwithstanding the provisions of any other ordinances, rules or regulations, all employees of the City of Oak Creek, in the classified service and in the police and fire service, shall be and are required to be residents of the City of Oak Creek, subject to the following provisions, conditions and exceptions:

- (a) **Department Managers.** The City Administrator, Fire Chief, and Police Chief shall become a

resident of the City of Oak Creek within one year of satisfactory completion of his/her introductory period and shall remain a resident during his/her employment.

- (b) **Full Time Employees Under Labor Contract.** Any full time union employee who is not required to be a resident of the City of Oak Creek shall comply with the residency provisions of the labor contract for that union in which he/she is a member.
- (c) **Fire Department Non-Union Full-Time Employees.** All non-union employees of the Fire Department, except the Fire Chief, shall reside in an area bounded by Oklahoma Avenue on the north, 92<sup>nd</sup> Street on the west, 4 Mile Road on the south and Lake Michigan on the east.
- (d) **Police Department Non-Union Full Time Employees.** All non-union employees of the Police Department, except the Police Chief, shall reside not more than twenty (20) miles from the city limits of the City of Oak Creek.
- (e) **Non-Union City Employees.** All non-union employees of the City of Oak Creek, except those subject to (a) – (d) above, shall reside not more than twenty (20) miles from the city limits of the City of Oak.
- (f) **Part Time and Auxiliary Employees.** Except for part time employees and auxiliary personnel of the Fire Department, there shall be no residency requirement for part time employees of the City of Oak Creek.
- (g) **Exempt Employees.** Those persons who were employed by the City of Oak Creek as of July 1, 1974 and who were nonresidents of the City of Oak Creek as of July 1, 1974, and have not become residents of the City of Oak Creek since July 1, 1974, shall not be required to be residents of the City of Oak Creek.
- (g) **Noncompliance.** Failure to comply with the provisions of this Section shall be grounds for termination.

*Ordinance #2408, A 6/6/06, Sec. 2.48(a)*

*Ordinance #2627 A 6/7/11, Sec. 2.48(a)*

## **BOARDS, COMMISSIONS AND CITIZEN COMMITTEES**

### **SEC. 2.60 BOARDS AND COMMISSIONS GENERALLY.**

- (a) **Officers.** Unless otherwise specified, City boards, commissions and committees established by this Chapter shall annually elect from their membership a chairperson and secretary.
- (b) **Compensation.** Members of boards, commissions and committees established by this Chapter shall receive such compensation as established by the Common Council.
- (c) **Meetings.**
  - (1) Unless otherwise specified, City boards, commissions and committees established by this Chapter shall meet upon the call of their respective chairpersons.
  - (2) Every board, committee and commission created by or existing under the ordinances of the City shall fix a regular date, time and place for its meeting.
- (d) **Notice of Meetings.**
  - (1) Every meeting of any board or commission of the City of Oak Creek and/or any committee appointed or created by the Mayor or Common Council of the City of Oak Creek shall be preceded by public notice and shall be held in open session at a place acceptable to the public in accordance with the provisions of Chapter 19, Subchapter IV, Open Meetings of Governmental Bodies, Wis. Stats., unless otherwise authorized by law.
  - (2) Such notice shall be given in writing to the official newspaper and to those news media who have filed a written request for such notice, and in addition thereto, shall be posted in at least one (1) location likely to give notice to the public of such meeting.
  - (3) A separate public notice shall be given for each meeting at a time and date reasonably proximate to the time and date of the meeting, but not less than twenty-four (24) hours prior to the commencement of such meeting unless otherwise authorized by law.
  - (4) Such notice shall set forth the time, date, place and subject matter of the meeting, including that intended for consideration at any contemplated closed session, which may be authorized by law.

- (e) **Notice to Members.** Every member of any board, commission or committee of the City of Oak Creek shall be notified by the secretary thereof that a meeting is to be held, and the time and place of such meeting and the subject to be considered thereat. No member shall be intentionally excluded from any meeting by a failure to give proper notice or a reasonable attempt to give proper notice to such member.
- (f) **Minutes to Be Kept.** Every board, commission and committee shall keep a record of the minutes of its proceedings and shall cause a signed copy thereof to be filed by its secretary with the City Clerk within two (2) weeks of the meeting date. All such minutes shall be public records. For all boards, commissions and citizen committees, the City Clerk shall serve as legal custodian of their records.
- (g) **Terms.** Except as otherwise provided, the terms of members of boards, commissions and citizen committees shall commence on May 1st.
- (h) **Budgets.** All boards shall, on or before September 1, file detailed estimates of the financial requirements for the ensuing year.
- (i) **Oath of Office.** Each member of boards, commissions and citizen committees shall take and file the official oath within 10 days of receipt of written notice of appointment.

### **SEC. 2.61 BOARD OF REVIEW.**

- (a) **Composition.** The Board of Review shall be composed of five (5) regular members and two (2) alternate members who shall be residents of the City, none of whom shall occupy any public office. Members shall be appointed by the Mayor, subject to confirmation by the Common Council, for staggered terms of five (5) years, and shall hold office until their successors are appointed and qualified. The term of office shall commence on June 1st.
- (b) **Clerk to Keep Records.** The City Clerk shall act as the Clerk of the Board and shall keep an accurate record of all proceedings as required by law.
- (c) **Meetings.**
  - (1) The Board of Review shall meet annually during the seven (7) day period beginning on the second Monday of May. The Common Council, on or before its second meeting in April each year, shall establish the specific date and times for the first meeting for that year, provided that it shall be for not fewer than two (2) hours on the first meeting day between 8:00 a.m. and 12:00 midnight. In the event that the Common Council fails to adopt a resolution establishing the date and time of the

first meeting of the Board of Review by its second meeting in May, the first meeting of the Board of Review shall be on the first Monday in May between 8:00 a.m. and 12:00 noon. The purpose of the first meeting is for the Board to receive the assessment roll and sworn statements from the Clerk, for taxpayers to appear and examine the assessment roll and other assessment data, and to schedule for hearing each written objection that it receives during the first two hours of the meeting or that it received prior to the first meeting. A majority of the Board shall constitute a quorum.

- (2) If the assessment roll is not completed, the Board may, at its first meeting, adjourn after a roll call for such time as is necessary to complete the roll and shall put written notice on the outer door of the Common Council chambers stating to what time the meeting is adjourned.
- (d) **Powers and Duties.** The powers and duties of the Board of Review shall be as those set forth in Secs. 70.46 and 70.47, Wis. Stats.
- (e) **Confidentiality of Information.** Whenever the Assessor, in the performance of the Assessor's duties, requests or obtains income and expense information pursuant to Section 70.47(7)(af), Wis. Stats., or any successor statute thereto, then, such income and expense information that is provided to the Assessor shall be held by the Assessor on a confidential basis, except, however that said information may be revealed to and used by persons: in the discharging of duties imposed by law; in the discharge of duties imposed by office (including, but not limited to, use by the Assessor in performance of official duties of the Assessor's office and use by the Board of Review in performance of official duties); or pursuant to order of a court. Income and expense information provided to the Assessor under Section 70.47(7)(af), unless a court determines that it is inaccurate, is, per Section 70.47(7)(af), not subject to the right of inspection and copying under Section 19.35(1), Wis. Stats.

State Law Reference: Secs. 70.46 and 70.47, Wis. Stats.

*Ordinance #2038 A 10/19/99 Sec. 2.61(e)*

*Ordinance #2073 A 6/6/00 Sec. 2.61(a) and (c)(1)*

#### **SEC. 2.62 POLICE AND FIRE COMMISSION.**

- (a) **Composition.** The Police and Fire Commission shall consist of five (5) citizens of recognized standing, character and integrity, three (3) of

whom shall constitute a quorum. The Mayor shall annually, between the last Monday of April and the first Monday of May, appoint in writing to be filed with the secretary of the Board, one (1) member for a term of five (5) years, subject to confirmation by the Common Council.

- (b) **Powers and Duties.** The Board of Police and Fire Commissioners shall perform such duties as are imposed by Sec. 62.13, Wis. Stats., except sub. (6) therein.

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

#### **SEC. 2.63 PLAN COMMISSION.**

- (a) **Composition.** The City Plan Commission shall consist of the Mayor, who shall be its presiding officer, the City Engineer/Public Works Director or his/her designee, two (2) Aldermen who shall be chosen by the Common Council President at the second meeting in April of each year, five (5) citizens of recognized experience and qualifications. In addition, the Building Commissioner or his/her designee and a representative of the Planning Department shall be ex-officio members of the Plan Commission, and shall not be entitled to vote on matters before the Plan Commission. The citizen members of the Plan Commission shall be appointed by the Mayor, subject to confirmation by the Common Council, for staggered terms of three (3) years commencing on May 1st of each year.
- (b) **Powers and Duties.** The Plan Commission shall perform such duties as are prescribed by Sec. 62.23, Wis. Stats., and has such further powers as may be delegated to it by the Wisconsin Statutes and City ordinances.

State Law Reference: Sec. 62.23, Wis. Stats.

*Ordinance #2062 A 4/18/00 Sec. 2.63(a)*

*Ordinance # 2245 A 5/6/03 Sec. 2.63(a)*

#### **SEC. 2.64 ZONING BOARD OF APPEALS.**

- (a) **Composition.** A Zoning Board of Appeals shall be appointed as specified in Sec. 62.23(7)(e), Wis. Stats. The Zoning Board of Appeals shall consist of five (5) members, and two (2) alternate members, appointed by the Mayor, subject to confirmation by the Common Council, for staggered terms of three (3) years, commencing on May 1st of each year.
- (b) **Powers and Duties.** The Zoning Board of Appeals shall have those powers and duties pre-

scribed by City ordinance and Sec. 62.23(7), Wis. Stats.

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

Cross Reference: Section 2.69 and 17.1101-17.1110.

#### **SEC. 2.65 CIVIL SERVICE COMMISSION.**

(a) **Composition.**

(1) The Civil Service Commission shall consist of five (5) members, residents of the City, at least one (1) of whom shall have experience in employment practices or personnel policies. No person holding any elective or appointive public office of any sort in the City government shall be appointed thereon. One (1) member shall be appointed each year for a five (5) year term commencing May 1 by the Mayor, subject to confirmation by the Common Council.

(b) **Powers and Duties.**

(1) The Commission shall conduct, in general, written or physical examinations as they shall require of applicants, establish eligibility tests and determine the fitness of applicants for respective positions in the City government.

(2) The Commission shall keep, supervise and preserve in the office of the City Administrator the records of all examinations, hearings, minutes, etc., and all other records of its own proceedings.

(c) **Jurisdiction Restricted.** Employees under the jurisdiction of the Board of Police and Fire Commissioners shall not be included under the Civil Service Commission unless they shall elect to do so and such election is approved by the Board of Police and Fire Commissioners.

State Law Reference: Sec. 66.19, Wis. Stats.

#### **SEC. 2.66 LIBRARY BOARD.**

(a) **Composition.** The Library Board shall consist of seven (7) members, five (5) citizen members, one (1) school district administrator or his/her representative to represent the public school district, and one (1) alderman. The five citizen members shall be appointed for three (3) year terms to begin July 1, by the Mayor and confirmed by the Common Council. The school district administrator or his representative shall be appointed by the Mayor for a three-year term to begin July 1. All three-year terms shall be staggered so that no more than two (2) citizen appointments are appointed annually. The Aldermanic member shall be appointed annually by

the Mayor on the third Tuesday in April. The Library Board shall annually in June elect from its membership a president, a vice-president and a secretary. A majority of the membership of the Library Board shall constitute a quorum.

(b) **Compensation.** No compensation shall be paid to any Library Board member for their service as such, but they may be reimbursed for their actual and necessary expenses incurred in performing their duties outside the City if so authorized by the Library Board.

(c) **Power and Duties.** The Library Board shall have the powers and duties as prescribed under Sec. 43.58, Wis. Stats.

State Law Reference: Sec. 43.58, Wis. Stats.

#### **SEC. 2.67 WATER & SEWER UTILITY COMMISSION.**

(a) **Creation.** There is hereby created an independent and non-partisan Water & Sewer Utility Commission to manage and operate the water and sewer utility of the City.

(b) **Membership; Terms.** The Water & Sewer Utility Commission shall consist of five Commissioners. One member of the Commission shall be a member of the Common Council who shall be appointed for a one year term. The remaining members of the Commission shall be appointed for a five-year term. The terms shall be staggered so that, except for the aldermanic representative, no more than one Commissioner's term shall expire each year. The Mayor shall be an ex-officio member of the Commission without authority to vote.

(c) **Appointments.** The Mayor shall appoint the aldermanic representative to the Commission at the second Common Council meeting in April, subject to Common Council approval. The aldermanic representative shall serve the Commission without a salary in addition to the salary received for serving as an alderperson. The Mayor shall appoint the remaining Commissioners, who shall be residents of the City, subject to Common Council approval, at its first regular meeting in August for terms to commence on the October 1 following appointment. In the case of a vacancy on the Commission, the Mayor, at a regular meeting, may appoint a Commissioner to fill the vacancy for the remainder of the term, subject to Common Council approval. Each member of the Commission, other than the aldermanic representative, shall receive such salary as the Council shall from time to time determine.

(d) **Powers of Commission.**

- (1) **Management and Control.** The Commission shall take entire management and control of the City's water and sewer utility and any other public utility authorized by the Common Council. The Commission shall have full authority to manage and control the operation of the utility subject only to the general control and supervision of the Common Council, with such general control and supervision being exercised through the enactment and amendment of this Ordinance.
- (2) **Manager.** The Commission shall appoint a Utility Manager, fix his/her compensation and duties and provide for the authority of the Manager to act on behalf of the Commission.
- (3) **Other Employees; Consultants.** The Commission may employ and fix the compensation of such other employees as the Commission deems necessary or convenient for the management and operation of the City's utility. The Commission also may employ the services and fix the compensation of such other agents or consultants as the Commission deems necessary or convenient for the operation and management of the utility. The Commission shall provide the City with a written report on a biannual basis that enumerates the wages and benefits of its employees.
- (4) **Rates, Rules and Regulations.** The Commission shall have authority to fix sewer rates, subject to Common Council approval. The Commission shall have the authority to establish rules and regulations for the governance, management and operation of the utility and fix water rates, subject to the jurisdiction of the Public Service Commission of Wisconsin, and shall have the authority to establish rules for the governance of its own proceedings.
- (5) **Contract.** The Commission shall have full authority to let bids and enter into contracts in the name of the City, provided that such contracts are necessary or convenient to the management and operation of the utility.
- (6) **Other Powers.** The Commission shall have such other powers as are necessary or

convenient to the management and operation of the City's public utility, and the City intends that the Commission shall have full authority respecting the utility unless that authority is specifically withheld by statute.

- (e) **Organization.** The Commission shall choose from among their number a President and Secretary and shall appoint a Utility Accountant who shall perform the duties of a bonded cashier, shall keep accurate books and accounts of utility revenues and expenses, and shall perform such other duties as the Commission shall from time to time direct. The Utility Accountant, before taking office, shall give a bond to the City for the faithful performance of the duties of his/her office in such amount as the Water & Sewer Utility Commission shall direct. The bond shall be approved by the Mayor and filed with the City Clerk.
- (f) **Utility Expenses.** Utility expenses shall be audited by the Commission at its regular meeting, and if approved by its President and Secretary, shall be paid by the City Treasurer pursuant to Sec. 66.0607, Wis. Stats. The Commission may authorize the payment of salaries and such other regular expenses as the Commission may determine, including but not limited to power and fuel bills, to be paid as they become due, if approved by the President and Secretary.
- (g) **Receipts.** All utility receipts shall be paid to the Utility Accountant and be turned over by the Accountant to the City Treasurer, at least once a month. Utility funds shall be separately accounted for by the water and sewer utility and shall be subject to disposition as the Commission shall direct.
- (h) **Annual Report.** The Water & Sewer Utility Commission shall submit to the Common Council, on or before July 1<sup>st</sup> of each year, a detailed report of all its doings for the preceding year, together with an itemized statement of all its expenditures, as well as a list of its employees, together with their salaries and a statement of the income, together with the inventory of the property of every character under its control and such other information as may be determined by it essential to inform the Common Council of the condition of the Utility financially otherwise.
- (i) **Real Estate.** Title to real estate which is used by the water and sewer utility for its operations

shall be held by the City and shall be subject to the management and control of the Commission.

- (j) **Construction; Definition.** This Ordinance shall be liberally construed to effect its purpose. As used herein, the terms “management and control” or “management and operation” shall be construed broadly and shall include, without limitation by enumeration, all authority related to the utility properties of the City, and all authority related to purchasing, acquiring, leasing, constructing, adding to, improving, conducting, controlling, operating, or managing the City’s public utilities, except as specifically withheld by statute.

State Law Reference: Sec. 66.068, Wis. Stats.

*Ordinance #2119 A 4/2/2001 Sec. 2.67*

*Ordinance # 2473, A 9/4/2007, Sec. 2.67(b) & (c)*

## **SEC. 2.68 PARKS AND RECREATION COMMISSION.**

- (a) **Composition.** The Oak Creek Parks and Recreation Commission shall consist of eight (8) members: six (6) citizen members, the Superintendent of Schools or his/her designated representative, and one (1) Alderman. The citizen members shall be appointed by the Mayor with the approval of the Common Council and shall serve as members of the Commission for three (3) years and until their successors are appointed. Terms shall be staggered so that no more than two (2) citizen members are appointed annually. The aldermanic member of the Commission shall be appointed by the Common Council President and shall serve for one (1) year. All appointments, except vacancies, shall be made on the third Tuesday in April in each year. Members appointed as vacancies occur shall serve only for the unexpired term of the vacated members. Vacancies shall be filled in the same manner as appointments. Members of the Commission shall receive no compensation for their services.
- (b) **Powers and Duties.** The Parks and Recreation Commission shall:
- (1) Advise the Director of Parks and Recreation in the execution of his responsibilities.
  - (2) Suggest administrative regulations for the operation of park and recreation facilities.
  - (3) Plan a program of capital improvements.
  - (4) Make whatever recommendations they may see fit to the Mayor and Council towards the improvement of the operation of

- park and recreational activities and facilities.
- (5) Coordinate the various social segments of the community into a unified pattern of activity.
- (6) Adopt policies for its own guidance and for the administration of recreation activities.
- (7) Advise the Common Council on other matters relating to parks and recreation.
- (8) Review the annual department budget as prepared by the Director of Parks and Recreation.
- (9) Assist the Director of Parks and Recreation in keeping the general public informed as to the development of activities in the department.

- (c) **Meetings.** The Parks and Recreation Commission shall meet annually in June of each year and shall further meet monthly at such times and places as they shall determine. At the annual meeting, a Chairman and Secretary shall be elected. In the absence of the Chairman, the members of the Commission shall elect one of its members to preside and exercise the functions of the Chairman.

State Law Reference: Sec. 27.08, Wis. Stats.

## **SEC. 2.69 HOUSING BOARD OF APPEALS.**

- (a) **Composition.** The members of the Zoning Board of Appeals shall also serve as the Housing Board of Appeals. Terms of office shall coincide with terms on the Zoning Board of Appeals.
- (b) **Powers and Duties.** The Board shall conduct hearings requested by any person affected by any notice, which is issued in connection with the enforcement of any provision of the City’s Minimum Housing Codes. The concurring vote of four (4) members of the Board shall be necessary to reverse or modify any order, requirement, decision or determination of the Building Commissioner or to decide in favor of the applicant on any matter upon which it is required to pass under such Code, or to effect any variation in such Code. The grounds of every such determination shall be stated. The Board may transcribe the testimony given at such hearing and payment therefor shall be made by the City.
- (c) **Quorum.** The quorum for meetings or hearings of the Board shall consist of four (4) members.

Cross-Reference: Section 2.64 and Section 16.01-16.14.

## **SEC. 2.70 BOARD OF HEALTH.**

- (a) **Composition.** There is hereby created the City of Oak Creek Board of Health. It shall consist of eight (8) members: the Community Public Health Administrator, Sanitarian, Medical Advisor, an Alderman and four (4) citizen members. The citizen members shall be appointed by the Mayor with the approval of the Common Council and shall hold office as members of the Board for three (3) years and until their successors are appointed and qualified, the first appointments to be for three (3), two (2) and one (1) years respectively. The terms of office of the citizen members shall commence on October 1. The Alderman member of the Board of Health shall be appointed by the Common Council President at its regular meeting held on the third Tuesday of April and shall serve for one (1) year. The Board of Health shall appoint a licensed physician who shall be a member of such Board. If a vacancy in the position of medical advisor occurs, the Board of Health shall immediately fill the same.
- (b) **Powers and Duties.**
  - (1) The members of the Board shall meet at a place on any day as the Board, by its own rules, shall prescribe.
  - (2) The Board shall take such measures and make such rules and regulations as shall be most effectual for the preservation of the public health. All orders and regulations shall be published in the official newspaper of the City and they shall have the force and effect of ordinances, including penalty for violation.

State Law Reference: Chapter 251, Wis. Stats.

#### **SEC. 2.71 CELEBRATIONS COMMISSION.**

- (a) **Composition.** There is hereby created a Celebrations Commission consisting of ten (10) citizens, all of whom shall be City residents. The members of the Celebrations Commission shall be appointed by the Mayor, subject to confirmation by the Common Council, and vacancies shall be filled in the same manner. Members appointed as vacancies appear shall serve only for the unexpired term of the vacated members. All appointments, except in vacancies, shall be for three (3) years and shall be made on the third Tuesday in April in each year. Terms shall be staggered so that no more than four (4) members are appointed annually.
- (b) **Powers and Duties.** The Celebrations Commission shall supervise the annual Fourth of July celebration in the City of Oak Creek and any other celebration, which may be authorized and/or directed by the Common Council. The Commission is authorized to expend funds allo-

cated to it by the annual budget of the Common Council for celebrations and shall have the power to appoint any number of persons to committees and/or subcommittees to aid in carrying out its duties.

#### **SEC. 2.72 EMERGENCY MANAGEMENT ADVISORY COMMITTEE.**

- (a) **Composition.** There is hereby created an Emergency Management Advisory Committee consisting of the following:
  - (1) Fire Chief (as Director of Emergency Management Services).
  - (2) Chief of Police (as Deputy Emergency Management Director).
  - (3) Director of Public Works.
  - (4) Community Public Health Administrator.
  - (5) City Administrator.
  - (6) Utility Manager.
  - (7) One (1) Alderman, annually appointed by the Council President.
- (b) **Powers and Duties.** The Emergency Management Advisory Committee shall act in an advisory capacity on matters pertaining to City government's response to emergency situations.

#### **SEC. 2.73 TRAFFIC AND SAFETY COMMISSION.**

- (a) **Composition.** There is hereby established a Traffic and Safety Commission. The Commission shall consist of eight (8) voting members, including one (1) Alderman appointed by the Council President. All terms of office shall commence on October 1 of each year. The voting members of the Commission shall be as follows:
  - (1) Three (3) citizen members who shall be appointed by the Mayor, subject to confirmation by the Common Council. All appointments, except vacancies, shall be for three (3) years. Terms shall be staggered so that no more than one (1) member is appointed annually.
  - (2) The Chief of Police, or his/her designee.
  - (3) The Fire Chief, or his/her designee.
  - (4) The City Engineer or his/her designee.
  - (5) The Street Superintendent, or his/her designee.
- (b) **Powers and Duties.** The Traffic and Safety Commission shall:
  - (1) Annually select two (2) of its members to attend meetings of the Milwaukee County Safety Commission.
  - (2) Coordinate traffic and safety activities.
  - (3) Carry on educational activities in traffic and safety matters.

- (4) Supervise the preparation and publication of traffic reports.
- (5) Receive complaints having to do with traffic and safety matters.
- (6) Recommend to the Common Council and other City officials ways and means for improving traffic and safety conditions, and the administration and enforcement of traffic regulations and safety conditions.

**SEC. 2.74 THIS SECTION INTENTIONALLY LEFT BLANK.**

*Ordinance #2125 A 4/17/01 Sec. 2.74*

**SEC. 2.75 ENVIRONMENTAL ADVISORY COMMITTEE.**

(a) **Composition.**

- (1) There shall be five (5) voting members of the Environmental Advisory Committee, consisting of five (5) citizen members. The City Forester shall act as advisory to this Committee on an as-needed basis.
- (2) The members of the Committee shall be appointed by the Mayor and confirmed by the Council at the second meeting in April for terms lasting two (2) years, commencing on May 1.

- (b) **Powers and Duties.** The Committee shall consider/review any possible changes that may be mandated or voluntarily recommended regarding recycling, composting, or other such environmentally related programs. In addition, this Committee shall, upon referral of the Council, consider/review concerns relating to landfills, hazardous materials, or other such environmentally related issues. Such consideration or review would occur where the Council feels the Committee's input would enhance the final decision of the Council. The Committee may attend other meetings as approved by the Common Council, and should report to the Council following their regular meetings.

*Ordinance #2046 A 12/7/99 Sec. 2.75(a)(1)*

*Ordinance #2131 A 5/15/01 Sec. 275(a)(1)&(2)*

**SEC. 2.76 CABLE ADVISORY COMMITTEE.**

- (a) **Composition.** The Cable Advisory Committee is hereby created consisting of five (5) members; one (1) shall be an Alderman annually appointed by the Council President. The Mayor shall appoint the other commissioners subject to confirmation by the Common Council. Other than the member of the Common Council who shall serve for a period of one (1) year, each member shall have a three (3) year term of office, commencing on May 1.

- (b) **Powers and Duties.** The duties and powers of the Committee are as follows:

- (1) Resolve disputes or disagreements between subscribers and the grantee after investigation, should the subscriber and the grantee not be able to resolve the dispute or disagreement.
- (2) Review and audit reports submitted to the City as required by Sections 20.29 and 20.31 and such other correspondence as submitted to the City concerning the operation of the system, so as to insure that the necessary reports are completed and filed pursuant to the terms of this Section.
- (3) Assure that all tariffs, rates and rules pertinent to the operation of the system in the City are made available for inspection by the public at reasonable hours and upon reasonable request.
- (4) Review rates and recommend any rate changes to the Common Council.
- (5) Plan and develop production and programming on dedicated access channels.
- (6) Confer with the grantee and advise on the interconnection of the City's cable system with other cable and communications systems.
- (7) Solicit, review and provide recommendations to the Common Council to ensure compliance with this Section.
- (8) Make recommendations to the grantee of the system and to the users of the public, education and governmental access channels.
- (9) Ensure that the grantee makes the public access channel available to all residents of the City on a non-discriminatory basis and advise the grantee on procedural rules for this purpose.
- (10) Assure that the operation of the public access channel is in accord with Section 20.33(c).
- (11) Such other duties as the Council may assign.

Cross-Reference: Chapter 20.

**SEC. 2.77 THIS SECTION INTENTIONALLY LEFT BLANK.**

*Ordinance # 2190 A 5/22/02 Sec 2.77*

*Ordinance #2620 A 3/15/11 Sec. 2.77*

**SEC. 2.78 COMMUNITY DEVELOPMENT AUTHORITY**

- (a) **Composition.** There shall be seven (7) voting members of the Community Development Authority, consisting of five (5) citizens and two

- (2) aldermen appointed by the Mayor, subject to confirmation by the Common Council.
- (b) **Ex-Officio Members.** The Mayor, City Attorney, City Administrator, and Director of Community Development shall service as ex-officio members.
- (c) **Powers and Duties.** The Community Development Authority shall have those powers or duties as prescribed by State statute.

*Ordinance #2060 A 4/3/00 Sec. 2.78(a)*  
*Ordinance # 2084 A 9/19/00 Sec. 2.78(a)*  
*Ordinance #2190 A 5/22/02 Sec. 2.78*  
*Ordinance #2275, A 10/7/03, Sec.2.78(b)*

## **CODE OF ETHICS**

### **SEC. 2.100 CODE OF ETHICS.**

The provisions of Secs. 19.42 and 19.59, Wis. Stats., dealing with a code of ethics for local public officials is adopted by reference, provided that the provisions of Secs. 19.42 and 19.59, Wis. Stats., shall apply to all local public officials and all City employees, including members of the Police Department and Fire Department. Any future amendments, revisions or modifications of Secs. 19.42 and 19.59, Wis. Stats., are intended to be made a part of this Code.

## EMERGENCY MANAGEMENT

### SEC. 2.120 EMERGENCY MANAGEMENT.

Pursuant to Sec. 166.03(4), Wis. Stats., the following program of emergency management is hereby adopted:

- (a) **Overall Control.** The Mayor and Common Council shall have overall control of the program of emergency management for the City.
- (b) **Head of Emergency Management Services.**
  - (1) The Fire Chief shall be the head of emergency management services for the City and shall be designated as the Director of Emergency Management Services. The Director shall have the powers and duties specified in Sec. 323.15, Wis. Stats., and shall be responsible to the Mayor and Common Council.
  - (2) The Director (by authority of the Mayor, Council president or the Common Council member with authority to act in the absence of the Mayor or Common Council President pursuant to Sec. 2.22 may, during time of disaster, enter into contract and incur obligations necessary to combat such disaster, protecting the lives and safety of persons and property and providing emergency assistance to the victims of such disasters. The Director may exercise the powers invested in him or her in the light of the exigencies of the extreme emergency situation without regarding the time-consuming procedures and formalities prescribed by other provisions of law pertaining to the performance of public work, entering into contracts, the employment of temporary workers, the rental of equipment and the purchase of supplies and materials. The liability of the City shall not exceed the fair and reasonable value of the services rendered or supplies, equipment or materials furnished.
  - (3) The Director may, in collaboration with other public and private agencies within the state and the nation, develop or cause to be developed, mutual aid arrangements for reciprocal emergency management and disaster aid and assistance in case of war or disaster too great to be dealt with unassisted. Such arrangements shall be consistent with the state emergency management and disaster plan and program of the federal government.
  - (4) The Director of Emergency Management Services may, subject to the approval of the Common Council, enter into mutual aid agreements with civil defense and dis-

- aster agencies or organizations in other political subdivisions or in the state or in other states for reciprocal emergency management and disaster aid and assistance in case of war or disaster too great to be dealt with unassisted.
  - (5) The Police Chief shall be the Deputy Emergency Management Director who shall have the powers and duties of the Emergency Management Director in his or her absence.
- (c) **Operation.** The emergency management services of the City shall operate in accordance with the City emergency operations plan which has been adopted by resolution of the Common Council and with any operational survival plan established by the Director of Emergency Management Services, approved by the administrator of the division of emergency management, Wisconsin Department of Development and adopted by resolution of the Common Council. A copy of the current State of Wisconsin emergency operations plan and operational survival plan of the City as adopted by the Common Council shall be kept on file in the office of the City Clerk.

*Ordinance #2625 A 5/17/11 Sec. 2.120(b)(1)*

### SEC. 2.121 DECLARATION OF EMERGENCIES.

- (a) Pursuant to Sec. 62.11(5), Wis. Stats., to act for the government and good order of the City and for the health, safety and welfare of the public, and notwithstanding any other provision of law to the contrary, the Council may declare, by ordinance or resolution, an emergency existing within the City of Oak Creek whenever conditions arise by reason of war, conflagration, flood, heavy snow storm, blizzard, catastrophe, disaster, riot or civil commotion, acts of God, and including conditions, without limitation or restriction because of enumeration, which impair transportation, food or fuel supplies, medical care, fire, health or police protection or other vital facilities of the City. The period of such emergency shall be limited by such ordinance or resolution to the time during which such emergency conditions exist or are likely to exist.
- (b) The emergency power of the Council herewith conferred shall include such general authority to order, by ordinance or resolution, whatever is necessary and expedient for the health, safety, welfare and good order of the City in such emergency and shall include such authority as is necessary and expedient without limitation or restriction because of enumeration and shall include the power to bar, restrict or remove all un-

necessary traffic, both vehicular and pedestrian, from the local highways, notwithstanding any provisions of Chs. 341 to 349, Wis. Stats.

- (c) If because of such emergency conditions the Council shall be unable to meet with promptness, the Mayor or President of the Council shall exercise by proclamation all the powers herewith conferred upon the Council which, within the discretion of the Mayor, are necessary and expedient for the purposes herein set forth, but such proclamation of the Mayor shall be subject to ratification, alteration, modification or repeal by the Council as soon as the Council shall be able to meet, but such ratification, alteration, modification or repeal by the Council shall not affect the prior validity or force or effect of such proclamation by the Mayor.

## ADMINISTRATION

### **SEC. 2.130 MANDATING OF EMPLOYEE WAGES AND BENEFITS FOR PRIVATE**

**BUSINESSES.** Except to the extent required by State or Federal law, no ordinance of the City of Oak Creek, nor any other municipal ordinance, rule, resolution or regulation shall require that any private employer provide particular wages or benefits to its employees or set forth the amount or type of an employee wages or benefits provided an employee working for a private employer within the City or doing business within the City.

*Ordinance 2545 A 02/03/09 Sec. 2.130*