

**CHAPTER 1**  
**GENERAL GOVERNMENT**

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**1.01 VILLAGE BOARD POWERS.** The Town Board has Village Board powers pursuant to Section 60.22(3) and 60.10(2)(c), Wisconsin Statutes, by resolution heretofore adopted at the Annual Town Meeting.

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**1.02 ELECTED OFFICIALS.** The elected officials of the Town shall consist of the following:

(1) TOWN BOARD MEMBERS. The Town Board shall consist of FOUR (4) Supervisors and a Town Chairperson whom shall be designated on the ballot as Chairperson. The Chairperson shall be elected in odd-numbered years for a period of two (2) years. The Town shall elect two (2) Supervisors (entitled Supervisors I and II) both of whom shall be elected in odd-numbered years; and two (2) Supervisors (entitled Supervisors III and IV) both of whom shall be elected in even-numbered years who shall serve for two (2) year terms.

(2) TOWN CLERK/TREASURER.

(a) Elected in odd-numbered years for a term of two (2) years.

(b) The Town Clerk/Treasurer shall perform all of the following duties:

(i) All of the duties pursuant to Sec. 60.33, Stats.

(ii) Prepare meeting agendas when directed to do so by The Town Chairperson.

(iii) Serve as Clerk of the Board of Review.

(iv) Perform all election duties as required by the Wisconsin Statutes and keep and maintain all election records and all property used in conjunction with holding of said elections.

(v) Publish all legal notices unless otherwise provided, file and preserve all contracts, bonds, oaths of office and other documents to be filed in a place at the Town Hall that may be made available to Board Members and public whenever requested in accordance with the open records laws of The State of Wisconsin.

(vi) Maintain organized files for the Town Board, Town meeting, and such other boards and commissions as may be directed.

(vii) Type and distribute reports for the Town Board, and for federal and state agencies.

(viii) Audit and obtain approval on claims charged against the Town.

(ix) Administer oaths and affirmations, as required.

(x) Work in conjunction with the Town Accountant to calculate the mill rate for determining the general tax levy.

(xi) Issue or suspend licenses as directed by Town officers, the Town Board, or as otherwise appropriate.

(xii) Ensure a process for keeping an maintaining accurate payroll records and preparation of payroll checks based on approved employee time sheets.

(xiii) Attend, or designate another to attend on his/her behalf, regular and special Town Board meetings and all Town meetings and attend committee meetings where the Clerk is a member of said committee. The Clerk shall record, maintain and distribute the minutes of these meetings.

(xiv) Be responsible for staffing regular office hours from 8:00 a.m. to 4:30 p.m., legal holidays excepted, Monday through Friday, and shall receive and serve visitors, and answer telephone calls to the Town Hall during such hours.

(xv) Perform other duties as may be directed by the Town Board and by this Municipal Code.

(xvi) Prepare and file all annual recycling reports and any grant applications required to be filed with the State of Wisconsin Department of Natural Resources.

(xvii) All of the duties pursuant to Sec. 60.34, Stats.

(xviii) Assist the Town Board with budget preparation.

(xix) Assist the Town Assessor with the tax roll and tax notices as required by the State of Wisconsin.

(xx) Reconcile financial and bank statements regarding the Town's general fiscal matters.

(xxi) Perform record keeping, billing, collections, banking, investments, accounting, and financial reporting of all Town operations, with the exception of the Municipal Court.

(xxii) Develop and implement improved internal control and financial reporting procedures, in conjunction with the Town accountant, as necessary or as requested.

(xxiii) Prepare monthly Treasurer's report.

(xxiv) Prepare check vouchers for payment of approved claims for signatures by authorized persons.

(xxv) Issue and sign checks, as appropriate, on behalf of the Town.

(xxvi) Maintain appropriate insurance for Town Assets and individuals who are insured by the Town.

(3) MUNICIPAL JUDGE. Elected in odd-numbered years, for a term of four years.

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**1.03 APPOINTED OFFICIALS.** The appointed officials for the Town shall consist of the following. Those appointed for one (1) year shall be appointed in May of each year.

OFFICIAL	HOW APPOINTED	Term
(1) Town Assessor	Town Chairperson, subject to confirmation by Town Board	Indefinite
(2) Town Auditor	Town Chairperson, subject to confirmation by Town Board	Indefinite
(3) Building Inspector	Town Chairperson, subject to confirmation by Town Board	Indefinite
(4) Deputy	Clerk/Treasurer, subject to	Indefinite

Clerk/Treasurer confirmation by Town Board

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|----------------------------------|--|------------|
| (5) Municipal Court Clerk        | Municipal Court Judge, subject to confirmation by Town Board | Indefinite |
| (6) Deputy Municipal Court Clerk | Municipal Court Judge, Subject to confirmation by Town Board | Indefinite |
| (7) Highway Superintendent       | Town Chairperson, subject to confirmation by Town Board      | Indefinite |
| (8) Administrator                | Town Chairperson, subject to confirmation by Town Board      | Indefinite |
| (9) Police Chief                 | Police Commission  | Indefinite |

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#### **1.04 RULES OF PROCEDURE FOR MEETINGS.**

(1) REGULAR MEETINGS. Regular meetings of the Town Board shall take place on the second Monday of each month. Any regular meeting falling on a legal holiday shall be held on a day designated by the Town Board. The Board may also change the meeting date for other good cause.

(2) SPECIAL MEETINGS. Special meetings of the Town Board may be called by the Town Chairperson or two (2) Supervisors by filing a request with the Town Clerk at least 24 hours prior to the time specified for such meeting unless for good cause, such notice is impossible or impractical, in which case shorter notice may be given, but in no case may the notice be provided less than two (2) hours in advance of the meeting. The Clerk shall immediately post a notice of the meeting together with the agenda and notify each Supervisor of the time and purpose of such meeting.

(3) PLACE OF MEETINGS. All meetings of the Town Board, including special and adjourned meeting shall be held in the Town Hall or a location designated by the Town Board. Notice of a substitute meeting place shall be given to the public by posting a written notice of the substitute meeting place and time thereof at the entrance to the Town Hall and in the two approved posting positions designated at least two (2) hours prior to such meeting.

(4) ADJOURNMENT TO SPECIFIC DATE. The Town Board may by majority vote, adjourn from time to time to a specific date and time.

(5) OPEN MEETING LAW COMPLIANCE. Notice of all Town Board Meetings as well as meetings of Town Boards, Commissions or Committees shall be given to the public, the official newspaper and to requesting news media as required under Sec. 19.84, Wis. Stats.

(6) QUORUM. A majority of the Town Board, commission or committee shall constitute a quorum of such body.

(7) ORDER OF BUSINESS. The business of the Town Board shall be conducted in substantially the following order:

- (a) Call to Order by presiding officer.
- (b) Pledge of Allegiance.
- (c) Roll call.
- (d) Verification of Agenda posting.
- (e) Approval of bill payments.
- (f) Treasurer's report.
- (g) Approval of minutes of the last regular meeting(s).
- (h) Public Comments.
- (i) Monthly assigned business listed that may be subject to discussion and possible action.
- (j) Committee reports.
- (k) Adjournment.

(8) PRESIDING OFFICER.

(a) Control of meetings. The Town Chairperson shall preserve order and conduct the proceedings of the meeting. The Chairperson of the meeting may recognize citizens present for comments on each item of business as it is addressed by the Board. A member may appeal the decision of the presiding officer. Such appeal is debatable and must be sustained by a

majority of the members present, exclusive of the presiding officer.

(b) Absence of Town Chairperson. If the Town Chairperson is absent at any meeting, the Town Clerk shall call the meeting to order and preside until the Board selects a supervisor to preside for that meeting.

(c) Clerk pro-tempore. In the absence of the Clerk, the Chairperson shall appoint a Clerk temporarily for said meeting.

(d) Presiding officer to vote. The presiding officer shall vote as a Supervisor on all questions brought before the Town Board. The Chairperson may make motions or second motions before the Board and need not vacate the Chair to do so.

(9) ORDINANCES, RESOLUTIONS AND MOTIONS. Ordinances, resolutions, communications, bylaws and other matters shall be submitted to the Town Board in writing.

(10) GENERAL RULES.

(a) The deliberation of the Board shall generally be conducted in accordance with the Parliamentary Rules contained in Robert's Rules of Order, Newly Revised, including A Guide to Parliamentary Procedure for Local Governments in Wisconsin, unless otherwise provided by statute or other rules. No ordinance, resolution or other motion shall be discussed or acted upon unless it has been seconded. No motion shall be withdrawn nor amended without the consent of the person making the same and the person seconding it.

(b) No Supervisor shall address the Board until the Supervisor has been recognized by the presiding officer. The Supervisor shall thereupon address himself/herself to the Chairperson and confine his/her remarks to the question under discussion and avoid all personalities.

(c) When two or more members simultaneously seek recognition, the presiding officer shall name the member who is to speak first.

(d) When a question is under discussion, no action shall be in order, except to adjourn, recess, to lay on the table, move the previous question, to postpone to a certain date, to

refer to a committee, to amend, or to postpone indefinitely. These motions shall have precedence in the order listed.

(e) Any member desirous of terminating the debate may move the previous question, in which the Chairperson shall announce the question as "Shall the main question now be voted upon?" If a majority of the members vote in the affirmative, the main question shall be taken without further debate, its effect being to put an end to all debate and bring the Board to a direct vote, first upon any pending amendment, and then upon the main question.

(f) Any Supervisor may demand an aye and nay vote on any matter and such vote shall be recorded in the proceedings. Every member shall vote when a question is put unless the Board by a majority vote of those present shall excuse him or her for a special cause. A majority vote of all members of the Board in favor of any proposed ordinance, resolution or appointment shall be necessary for passage or approval, unless a larger number is required by statute. Except as otherwise provided, a majority vote of those present shall prevail in all other cases.

(g) A motion to adjourn shall always be in order. A motion to adjourn, to lay on the table and the call for the previous question shall be decided without debate.

(h) No member of the Board, whether a Supervisor or the Town Chairperson, shall vote on any question involving his or her own character or conduct, his or her rights as a member or his or her pecuniary interests.

(i) Nothing herein prescribed concerning the conduct and procedure of regular and special Town Board meetings shall apply to the Annual Town Meeting as prescribed in Sec. 60.11, Wis. Stats., or special Town meetings as prescribed in Sec. 60.12, Wis. Stats.

(j) Any member voting in the majority may move for a reconsideration of the vote on any question at that meeting or at the succeeding regular meeting. A motion to reconsider being put and lost shall not be renewed. A supervisor may not change his vote on any question after the result has been announced.

(11) SUSPENSION OF RULES. These rules or any part thereof may be temporarily suspended in connection with any matter under consideration by a recorded vote of two-thirds of the member's

consideration by a recorded vote of two-thirds of the members present.

(12) COMMITTEE REPORTS. Each committee shall, at the next regular meeting, submit a report, in writing if requested, on all matters referred to it. Such report shall recommend a definite action on each item. Any committee may require any Town officer to confer with it and supply information in connection with any matter pending before it.

(13) READING OF ORDINANCES AND RESOLUTIONS. Every ordinance or resolution that is proposed shall receive two (2) readings before its passage. Such ordinance or resolution shall not have its first and second reading on the same day, except under a suspension of the rules.

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#### **1.05 MUNICIPAL JUDGE AND MUNICIPAL COURT.**

(1) MUNICIPAL JUDGE.

(a) Office Created. Pursuant to Sec. 755.01, Wis. Stats., there is created the office of Municipal Judge.

(b) Election Term. The Municipal Judge shall be elected at large at the spring election in odd-numbered years for a term of 4 years or until his or her successor is elected and qualifies, commencing immediately after receiving the oath of office. The term shall commence on the May 1 immediately following the election.

(c) Salary. The Municipal Judge shall receive an annual salary as established from time to time by the Town Board which shall be in lieu of fees and costs. No salary shall be paid to the Judge for any time during their term where the Judge has not executed and filed their official bond and oath as required by par. (d) below.

(d) Bond; Oath. The Judge shall execute and file with the Clerk of the Circuit Court for Walworth County the oath prescribed by Secs. 755.03 and 757.02, Wis. Stats., and a bond in the penal sum of \$2,000.00.

(e) Jurisdiction. The Judge shall have jurisdiction as provided by law and Sec. 755.045, Wis. Stats., and exclusive jurisdiction of violations of Town Ordinances.

(2) MUNICIPAL COURT ESTABLISHED. The Municipal Court for the Town is established pursuant to Sec. 755.02 and Ch. 755, Wis. Stats.

(3) MUNICIPAL COURT CLERK AND DEPUTY CLERK. Pursuant to Sec. 755.10, Stats., the Municipal Court Judge shall in writing appoint such Clerk and Deputy Clerk as are authorized by the Town Board. Their salaries shall be fixed by the Town Board. The Clerk(s) shall, before entering upon duties of office, take the oath prescribed by Sec. 19.01 and give a bond if required by the Town Board. The cost of bond shall be paid by the Town. Oaths and bonds of the Clerk(s) shall be filed with the Town Clerk.

(4) MUNICIPAL COURT PROCEDURE.

(a) The Municipal Court shall be open as determined by order of the Municipal Judge.

(b) The Municipal Judge shall keep his officer and hold court in the Town Hall.

(c) The procedure in Municipal Court shall be as provided by this section and State law including, without limitation because of enumeration, Chs. 755 and 800, Wis. Stats., and Secs. 23.66 to 23.99, 345.20 to 345.53, and Chs. 30 and 350, Wis. Stats.

(d) The Municipal Court shall collect all forfeitures, penalty assessments, fees and taxable costs in any action or proceeding before the Municipal Court and shall pay over such moneys to the Town Treasurer monthly. At such time, the Judge shall also report to the Town Clerk/Treasurer the total amount of judgments imposed in actions and proceedings in which such moneys were collected.<sup>1</sup>

(i) The action in Municipal Court may be commenced by the use of a citation to be issued for violations of ordinances

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<sup>1</sup> Pursuant to Sec. 800.10(2) and 60.34, Stats., all forfeitures paid to the municipal court must be paid to the treasurer within seven days, not monthly, as written. We are informed that many municipal courts violate this provision. We have written this ordinance to comply with normal practice. Judge Letteney should be consulted regarding the difference between normal practice and statutory mandate, and how the Town directs this ordinance be written. We recommend writing the ordinance to comply with the statutes and adjusting current practices accordingly.

of the Town, including ordinances for which a statutory counterpart exists.

(ii) Collection of unpaid Municipal Court forfeitures may be through the procedures established under Chapter 66, Wis. Stats., notwithstanding any other remedies that may otherwise be available.

(iii) To the extent applicable, those sections in Chapters 66, 755 and 800, Wis. Stats., shall be applied to the Town of Geneva Municipal Court incorporated by reference as though set forth fully herein.

(iv) Any repeal, modification future amendment or addition to any of the foregoing statutory sections shall be deemed to be incorporated automatically by reference here as through fully set forth.

(5) COURT AUTHORITY TO IMPOSE ALTERNATIVE JUVENILE DISPOSITIONS AND SANCTIONS.

(a) For a juvenile adjudged to have violated an ordinance, the court is authorized to impose any of the dispositions listed in Secs. 938.3343 and 938.344, Wis. Stats., in accordance with the provisions of those statutes.

(b) For a juvenile adjudged to have violated an ordinance which violates a condition of a dispositional order of the court under Sec. 938.343 and 938.344, Wis. Stats., the Municipal Court is authorized to impose any of the sanctions listed in Sec. 938.355 (6), Wis. Stats., in accordance with the provisions of those statutes.

(c) This Section is enacted under the authority of Sec. 938.17 (2)(cm), Wis. Stats.

(6) CONTEMPT. The Judge is authorized to impose forfeitures for the contempt and jail sentences for nonpayment as provided in Sec. 800.12, and 800.095, Stats.

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**1.06 TOWN ADMINISTRATOR.**

(1) PURPOSE. This ordinance is entitled "Town of Geneva Town Administrator Ordinance." The purpose of this ordinance is as follows:

- (a) To establish the position of Town Administrator as an integral part of the Town of Geneva's daily operations and make it feasible for the Town to appoint such a position, provided that The Town Board feels that it is in its best interest to do so, to serve at the pleasure of the Board in accordance with section 60.37(3)(a), stats.
- (b) To delineate the powers and scope of responsibility of the Town Administrator.
- (c) To empower the Town Administrator to carry out the details of implementation of policies and directives created by the Town Chair and Town Board.
- (d) To establish quantitative and qualitative items by which the effectiveness of the Town Administrator can be evaluated.
- (e) To enable the Town a means by which to seek grant funding available to the Town on a regular basis.
- (f) To provide for a sole representative who serves no political influence in order to maintain harmonious working relations among the Town Employees, while keeping in mind the best interest of the Town of Geneva.

(2) AUTHORITY. The Town Board of the Town of Geneva has the specific authority, powers and duties, pursuant to 60.37(3), stats., and has additional statutory authority, power and duties to create the position of Town Administrator and to establish the qualifications, duties and powers, compensation and terms of employment, except that no elected official may serve in such capacity pursuant to Sec. 60.37(3)(c), Stats.

(3) APPOINTMENT AND TERM OF OFFICE. The Town Board of the Town of Geneva may establish the term of employment for the Town Administrator which shall be an annual appointment by the Town Chair, with the approval of the Town Board. The Town Administrator shall maintain employment at the pleasure of the Town Board.

(4) TERMINATION OF APPOINTMENT BY TOWN ADMINISTRATOR. The Town Administrator may terminate his or her employment by a written notice of termination, signed by the Town Administrator and provided to the Town Clerk of the Town of Geneva by the Town Administrator.

(5) POWERS AND DUTIES OF THE TOWN ADMINISTRATOR. The Town Administrator shall:

(a) Be responsible for the daily operation and daily management activities as directed by the Town Chair of the Town of Geneva, or the Town Chair's designee. Directives, orders or resolutions shall be implemented under the direction and prioritization by the Town Chair or designee.

(b) Be responsible for assisting the Town Chair and other delegated officials in preparing the annual budget of the Town of Geneva.

(c) Make recommendations to the town Chair and other delegated officials to improve the budget process of the Town of Geneva.

(d) Attend all Board, Commission and Committee meetings unless specifically excused by the Town Chair.

(e) Shall maintain records of Town Personnel, and shall assist the Town Board in preparing for employment, training, direction, promotion, supervision, lay-off, suspension and discharge of the following:

- 1) All positions of the Town of Geneva Highway Department.
- 2) All Town of Geneva general government clerical positions, with the exception of any elected positions.
- 3) Town of Geneva part-time or seasonal (excluding public safety positions which shall be governed by the Police Commission and Town Board.)
- 4) Such other employees as the Town Board directs.

(f) Assist the Town Board in employment contract negotiations.

(g) Assist the Town Chair or designee in conducting public relations for the Town.

(h) Establish procedures, and carry out same for receiving grievances, complaints, ideas and recommendations from the public and forward them to the Town Board and the Town Chair.

(i) Have a working understanding and knowledge of the duties and responsibilities of the Town Clerk and the Town Treasurer.

(j) Assist the Town Chair in all Plan Commission responsibilities including, but not limited to, meeting with developers and finalizing developer agreements.

(k) Work closely with the Building Inspector to monitor construction and developments.

(l) Have a working knowledge of Wisconsin State Statutes and this Municipal Code.

(m) Have a working knowledge of all computer software and computerized systems in the governmental offices of the Town of Geneva.

(n) Make recommendations for improving efficiency in the governmental offices of the Town of Geneva and strive to maintain harmonious working relationships among all employees of the Town of Geneva.

(o) Have a working knowledge of filing systems and may assist in retrieval of both past and current records.

(p) Be responsible for distribution of relevant information both to and from committees to the Town Chair and to all Town Board members.

(q) Communicate ideas for new ordinances to department heads for discussion with their respective committees.

(r) Obtain information relative to insurable improvements and report to the Town insurer(s), and solicit all insurance policies, claims and administration of said policies.

(s) Work closely with the Building Inspector and the Town Assessor in order to ensure that they are serving the best interest of the Town of Geneva.

(t) Actively seek such grant funding for any and all projects brought before the Town that may be found beneficial to the interests of Town residents and the operation of the Town of Geneva.

(u) Other tasks as assigned by the Town Board (60.37(3)(b)).

(7) COMPENSATION OF THE TOWN ADMINISTRATOR. The Town Board of the Town of Geneva shall establish the compensation and benefits for the Town Administrator of the Town of Geneva.

(8) EVALUATION OF TOWN ADMINISTRATIVE COORDINATOR. The Town of Geneva Town Board shall from time to time evaluate the Town Administrator on the performance of the duties delineated above and make every effort possible in order to ensure for the providing of tools to enable for efficient and effective fulfillment of those duties spelled out herein.

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### **1.07 ELECTIONS.**

(1) REGISTRATION REQUIRED. Pursuant to the provision of Sec. 6.27, Wis. Stats., the registration of voters for all elections in the Town of Geneva is authorized and required, under the supervision of the Town Clerk and at the convenience of the Town Clerk. The Town Clerk shall procure the necessary registration affidavit forms as set forth in Sec. 6.33 Stats.

(2) ESTABLISHMENT OF WARDS.

(3) LOCATION OF POLLING PLACE. All electors residing in the Town of Geneva Town Hall located at N3496 Como Road, Town of Geneva, Walworth County, Wisconsin.

(4) ELECTION OFFICIALS; VOTING. REPEALS OUR ORDINANCE 60

(a) Appointment of Inspectors and Clerks. Except as otherwise provided by the Wisconsin Statutes or this Code, there shall be not more than seven (7), nor less than three (3) election inspectors, one (1) clerk and one (1) ballot clerk at each polling place at every election held within the Town, each of whom shall be a qualified elector in the Town and able to functionally read and write the English language and not a

candidate to be voted for at such election. At elections where voting machines are used, ballot clerks shall not be employed. Appointments of inspectors shall be in the manner provided by Wisconsin State Statutes.

(i) Nominations. Pursuant to Sec. 7.30, Wis. Stats., the Town Chairperson shall nominate to the Town Board, at the first regular meeting in December of odd-numbered years, no more than seven (7) nor less than three (3) persons for election inspectors, two (2) persons for clerks, two (2) persons for ballot clerks and at least one alternate for each position. The Town Board shall immediately approve or disapprove the nominees and, if disapproved, the Town Chairperson shall submit other names.

(ii) Staffing. The Town Clerk shall determine, in advance of each election, the number of inspectors to be scheduled for each of two (2) shifts, which determination shall depend upon the number of contests on the ballot, the degree of interest in the election, and the apparent likelihood of a large percentage of voter participation.

(iii) Notice, Compensation and Tenure. The Town Clerk shall thereupon notify the inspectors and clerks of their appointments and the confirmation thereof by the Town Board informing each that they shall file an oath of office within ten(10) days after the mailing of such notice. The persons so qualified as inspectors and clerks shall receive as compensation such amounts as set from time to time by the Town Board and shall hold office for two(2) years as such officers at every primary, general, municipal and special election following their appointment held within their districts during such term.

(iv) Vacancies and Duties of Election Officials. Vacancies in the offices of election inspectors or clerks shall be filled in the manner provided in Sec. 7.30, Wis. Stats., together with such additional duties as prescribed by statute.

(b) Voting. All provisions of Chapter 6, Wis. Stats., as the same pertain to any and all Town elections or any election held within the Town, are hereby incorporated by reference. The Town Clerk, upon notifying each inspector and clerk, shall instruct each official as to their duties and responsibilities.

(5) REDUCTION OF NUMBER OF ELECTION OFFICIALS. Pursuant to Sec. 7.32, Wis. Stats., the Town Clerk is hereby authorized to reduce the number of election officials for any given election to not

less than three(3) and redistribute the duties of such remaining election officials.

(6) POLLING HOURS. The polls shall be open on election days from 7:00 a.m. to 8:00 p.m., except that, any elector waiting to vote, whether within the polling booth or in the line outside the booth at the time the polls officially close, shall be permitted to vote.

(7) USE OF AUTOMATED TABULATING EQUIPMENT OR ELECTRONIC VOTING SYSTEM. If authorized under Sec. 5.91, Wis. Stats., the Town may use automated tabulating equipment or electronic voting systems.

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### **1.08 CODE OF ETHICS.**

(1) PURPOSE. Pursuant to Sec. 19.59 (1), Wis, Stats., the purpose of this Code of Ethics is to enable public officials and employees, both appointive and elective, to conduct themselves in a manner that will tend to preserve public confidence and respect for the government of the Town and to treat all citizens with courtesy, impartiality, fairness, and equality under the law.

(2) DEFINITIONS. The terms used in this Code are hereby defined as follows:

(a) Official or Employee. Any person elected or appointed to, or employed or retained by, any public office or public body of the municipality, whether paid or unpaid and whether part time or full time, and including all committee and commission members.

(b) Public Body. Any agency, board, body, commissions, committee, department or office of the municipality.

(c) Financial Interest. Any interest which shall yield, directly or indirectly, a monetary or other material benefit (other than the duly authorized salary or compensation for his or her services to the municipality) to the official or employee or to any person employing or retaining the services of the official or employee.

(d) Personal Interest. Any interest arising from blood or marriage relationships or from close business or political association, whether or not any financial interest is involved.

(e) Immediate Family Member. An individual's spouse and an individual's relative by marriage, lineal descent or adoption who receives, directly or indirectly, more than one-half of his or her support from the individual or from whom the individual receives, directly or indirectly, more than one half of his or her support.

(f) Candidate for Public Office. A candidate for public office means any individual who files nomination papers and a declaration of candidacy or any individual appearing as a write-in candidate who has filed a declaration of candidacy.

(3) APPLICATION. This Ordinance shall be applicable to all officials defined under subsec. (2)(a) herein, the immediate family members of the aforestated official, and candidates for public office.

(4) FAIR AND EQUAL TREATMENT.

(a) Impartiality. No official or employee shall request, use or permit the use of, any consideration, treatment, advantage or favor beyond that which it is the general practice to grant or make available to the public at large.

(b) Use of Public Property. No official or employee shall request, use or permit the use of, any publicly owned or publicly supported property, vehicle, equipment, material, labor or service for the personal convenience or the private advantage of himself or herself or of any other person. This rule shall not be deemed to prohibit an official or employee from requesting, using or permitting the use of such publicly owned or publicly supplied property, vehicle, equipment, material, labor or service which it is the general practice to make available to the public at large or which are provided as a matter of stated public policy for the use of officials and employees in the conduct of official business.

(5) CONFLICT OF INTEREST.

(a) Financial or Personal Interest. No official or employee, either on his or her own behalf or on behalf of any other person, shall have any financial or personal interest in

any business or transaction with any public body in the municipality.

(b) Disclosure and Disqualification. Whenever the performance of his or her official duties shall require any official or employee to deliberate and vote on any matter involving his or her financial or personal interest, he or she shall publicly disclose the nature and extent of such interest and disqualify himself or herself from participating in the deliberations in his or her official capacity as well as in the voting.

(c) Exceptions. Paragraphs (a) and (b) do not prohibit a local public official from taking any action concerning the lawful payment of salaries or employee benefits or reimbursement of actual and necessary expenses, or prohibit a local public official from taking official action with respect to any proposal to modify a municipal ordinance.

(d) Disclosure. Elected officials and members of the Plan Commission shall disclose any legal and/or equitable interest, which they might have in any real estate subject to their deliberation.

(e) Incompatible Employment. No official or employee shall engage in private employment with, or render service for, any private person who has business transactions with any public body of the municipality, unless he or she shall first make full public disclosure of the nature and extent of such employment or services.

(f) Representation of Private Persons. No official or employee shall use or attempt to use his or her official position to secure special privileges or exemptions for himself or herself or others, except as may be otherwise provided by law.

(g) Compensation, Gift, Reward or Gratuity. No officer or employee of the Town shall directly solicit, receive or agree to receive any compensation, gift, reward or gratuity from any source for any matter or proceeding connected with or related to the duties of such officer or employee, unless otherwise provided by law. This provision is not intended to restrict usual social amenities or to refer to unsubstantial advertising gifts. Compensation, gifts, rewards or gratuities within the meaning of this subsection which practically cannot be returned

shall immediately be turned over to the Town and be considered by it as Town property.

(h) Confidential Information. No official or employee shall without prior formal authorization of the public body having jurisdiction, disclose any confidential information concerning any other official or employee, or any person, or any property or governmental affairs of the municipality. Whether or not it shall involve disclosure, no official or employee shall use or permit the use of any such confidential information to advance the financial or personal interest of himself or any other person.

(i) Financial Gain. No official or employee may use his or her public position or office to obtain financial gain or anything of substantial value for the private benefit of himself or herself or his or her immediate family, or for an organization with which he or she is associated.

(j) Prohibition on Receipt of Goods or Services. No person may offer or give to an official or employee, directly or indirectly, and no official or employee may solicit or accept from any person, directly or indirectly, anything of value if it could reasonably be expected to influence the official's or employee's vote, official actions or judgment, or could reasonably be considered as a reward for any official action or inaction on the part of the official or employee. This subsection does not prohibit an official or employee from engaging in outside employment.

(k) Misuse of Public Position. No official or employee may use or attempt to use his or her public position to influence or gain unlawful benefits, advantages or privileges for himself or herself or others.

(l) Disclosure of Financial Interests. No official, employee, member of an official's or employee's immediate family, nor any organization with which the official, employee or a member of the official's or employee's immediate family owns or controls at least 10% of the outstanding equity, voting rights, or outstanding indebtedness may enter into any contract or lease involving a payment or payments of more than \$3,000.00 within a 12-month period, in whole or in part derived from Town funds unless the official or employee has first made written disclosure of the nature and extent of such relationship of interest to the Town Board. Any contract of lease entered into in violation of this subsection may be voided by the Town.

(6) ETHICS OPINION FROM TOWN ATTORNEY. Any Town Board member, or any elected or appointed Town employee may ask the Town Attorney, in writing, to provide an ethical opinion regarding any issue that is specifically related to this Section. By publication of this Section, any person requesting such an opinion is hereby given notice that the Town Attorney represents the Town Board and not the requesting party, and that any such communications are confidential as to any other person or entity with the exception of the Town Board. Any request for an ethics opinion, or any given by the Town Attorney in response to such a request, shall be made in a timely manner, in writing, and shall simultaneously be provided to the requester and to the Town Board. Any such communication to the Town Board shall be presumed for all purposes to be a confidential attorney-client privileged communication, pursuant to SCR 20:1.6 and Sec. 905.03, Stats., between the Town Attorney and the Town Board. The Town Attorney shall not be deemed for any purposes or proceedings to represent the person or entity requesting an ethical opinion, due to the Town Attorney receiving such a request, or responding to such a request. The Town Board shall not be obligated to act in accordance with any ethical opinion, but any such opinion shall only be considered advisory. Any individual or entity authorized herein may request an ethical opinion, but only during such time as that individual is elected or appointed to office. Any information obtained by the Town Attorney in order to prepare an ethics opinion shall be confidential in accordance with the limitations herein.

It is prima facie evidence of intent to comply with this section, or any ordinance enacted under this section, when a person or entity refers a matter to the Town Attorney and abides by the opinion so given, if the material facts are as stated in the request.

The Town Attorney may, with the consent of the Town Board, make public any information related to an ethics opinion, including the identity of the requesting party. The consent of the party requesting an opinion shall not be required to make that party's identity public, nor shall it be required to make the ethical opinion public.

The Town Attorney may refuse to respond to any request for an ethics opinion if the Town Attorney determines, in his or her sole discretion, that providing a response is not in the best legal interests of the Town of Geneva.

(7) PENALTIES.

Any person who shall violate Sec. 1.08 (except 1.08(6)) shall be subject to a penalty as provided in Sec. 25.04 of this Municipal Code.

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**1.09 SALARIES.** The compensation of all elected and appointed officials, including members of boards and commissions, shall be as determined by the Annual Town Meeting, or the Town Board where applicable, provided salaries and compensation rates of elected officials shall not be increased or reduced during their terms of office, pursuant to Sec. 60.32, Stats. However, the compensation of the Municipal Judge and Municipal Court Clerk shall be determined by the Town Board, pursuant to Secs. 755.04 and 755.10, Stats.

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**1.10 CREATION OF COMMISSIONS, COMMITTEES AND LIAISONS.** The Town Board does hereby establish the following standing committees and commissions to serve in an advisory capacity to the Town Board of the Town of Geneva.

(1) PLANNING COMMISSION.

(a) Purpose. The purpose of the Planning Commission is to ensure that the property within the Town of Geneva is kept and developed in a way that is in conformity with the future goals of the Town, consistent with the directives of this Municipal Code.

(b) Membership, Appointment, and Term of Office.

(i) The Planning Commission (hereinafter called "The Commission") shall consist of a total of seven (7) members including one (1) member of the Town Board of the Town of Geneva and six (6) resident citizens of the Town of Geneva appointed by the Town Chairman with the approval of the Town Board.

(ii) Three citizen members shall initially be appointed for a term of one year; and three citizen members for a term of two years. Each successive appointment of citizen members shall be for a term of two years. Appointments shall be made in April and shall run to May 1 of the year of the

expiration of the term of office. Members shall serve until their successors have been appointed.

(iii) Appointments to fill a vacancy shall be for the remainder of the unexpired term.

(iv) All members shall be compensated at a rate set and recorded in the Town of Geneva fee schedule, as amended from time to time.

(c) Organization, By-Laws and Meetings.

(i) As soon as possible after its initial appointment and following each appointment of members to full terms, the Commission shall establish officers. The Chairperson of the Commission shall be the Town Board representative. A Vice Chairperson shall be elected by majority vote of the members, and such other officers shall be elected as the Commission deems necessary.

(ii) The Secretary of the Commission may be a non-member of the Commission, and shall have no vote. The secretary may be compensated at a rate set by the Commission and approved by the Town Board.

(iii) The Commission may adopt such by-laws governing the conduct of its business as it, from time to time, deems proper and necessary. The adoption and amendment of by-laws shall be by a majority vote of the Commission provided, however, that every member of the Commission shall be furnished a copy of such proposed by-laws or amendments at least ten (10) days before consideration for adoption.

(iv) The Commission shall meet on a regular monthly basis at a time convenient to a majority of the members and at such other times as may be agreed to by a majority of the Commission. Said meeting shall be open to the public and written minutes of each meeting shall be kept by the Secretary and be made available to the public upon request. The Secretary shall also provide minutes to the Town Clerk as soon as practicable.

(d) Powers. The Commission shall have such powers as may be necessary to enable it to perform its functions and duties and promote municipal planning. Such powers shall include the following:

(i) The Commission may call upon any official or employee of the Town of Geneva, Walworth County, or the Southeastern Wisconsin Planning Commission for aid and advice upon any matter properly within the scope of interest of the Commission.

(ii) The Commission may secure technical assistance or service only upon authority from and within appropriations from the Town Board.

(iii) Make reports and recommendations relating to the plan and development of the Town of Geneva to the Town Board.

(iv) Exercise such other powers germane to the powers granted by the State of Wisconsin and by this Ordinance as may, from time to time, be conferred upon the Commission by the Town Board.

(e) Duties.

(i) The Commission shall adopt and recommend to the Town Board, statements, policies, and plans for the future development of the Town.

(ii) The Commission shall advise the Town Board on matters pertaining to the subdivision and development of land in the Town as provided by Ordinances, giving appropriate consideration to the current Town of Geneva Land Use Plan.

(2) PARKS COMMITTEE.

(a) The Town of Geneva Parks Commission is hereby disbanded and repealed. The Town of Geneva Park Committee is hereby created in its place.

Purpose. The purpose of the Park Committee is to study the recreational and green space needs of the Town of Geneva; to develop ways and means of meeting the recreational and green space needs of all age groups within the community; to offer recommendations to the Town Board and to interested organizations as to facilities and personnel which would help to provide a well-rounded program of community recreation; and to help plan future uses of our land scientifically and responsibly with minimal environmental impact and maximum environmental benefit.

(b) Duties. The Committee shall make recommendations to the Town Board regarding the acquisition and disposition of lands for park use, enhance existing parks and recreational facilities, and promote tourism in the Town of Geneva.

(c) Membership. Membership of the Park Committee shall include seven citizen members, as appointed by the Town Board and filed with the Clerk, one of whom shall serve as Chairperson, appointed by the Town Board after recommendation of the remaining 6 citizen board members, and another as Vice-Chairperson, and a third as secretary/treasurer, each selected in the same manner as the Chairperson.

(d) Terms of Office. The term of each member shall be for seven (7) years following the first day of July of the year in which his or her appointment was made. Subsequent to the initial appointments of this section, appointments of new members shall be for the remainder of the term for whom they replace. Reappointment of terms shall be at the recommendation of the Park Committee members and only with approval by the Town Board. The Chairperson shall notify the Town Board when reappointments are necessary. The Town Board shall always have the right to remove any Park Committee member at any time, with or without cause.

(e) Oath of Office. Each appointed member of the Park Committee shall take an official oath of office with the Town Clerk who shall maintain a copy of said oath on file at the Town Hall.

(f) Meetings. Meetings shall be held on the first Thursday of each month, or as set at the previous meeting by mutual consent of those present. All meetings will be open to the public and subject to the open meetings laws of the State of Wisconsin.

### (3) POLICE COMMISSION.

(a) Creation. The Town of Geneva Board of Police Commissioners, also known as the Town of Geneva Police Commission, is hereby established pursuant to Secs. 60.57 and 62.13, Stats.

(b) Powers and Duties. The Town of Geneva Police Commission shall have the powers and duties stated in Sec. 62.13, Stats., excepting therefrom Sec. 62.13(6), Stats.

(c) Members. The Town of Geneva Police Commission shall consist of five (5) citizen or non-citizen members, none of whom may simultaneously be elected or appointed officials of the Town, nor may the members be employees of the Town. Three (3) members shall constitute a quorum. No more than three (3) members of the Commission shall be members of the same political party.

(d) Appointment. The Town Chairperson shall appoint the members of the Commission, pursuant to section 62.13(1) and 60.57(3) of the Wisconsin Statutes. Such appointments shall be made annually, initially with one appointment for approximately 5 years, one for approximately 4 years, one for approximately 3 years, one for approximately 2 years, and one for approximately 1 year. Thereafter, the Town Chairperson shall annually, between the last Monday in April and the first Monday of May, appoint in writing to be filed with the Secretary of the Board, one member per year for a term of five years. All terms, including the initial terms described above, shall expire on their appointed year, on the date that the Town Chairperson appoints new members. Members of the Commission shall serve without compensation at a later date if it so desires. Any compensation shall be as allowed by law.

(e) Organization. The Members of the Commission shall meet within thirty days of the entire Commission taking its oath of office for the initial selection of officers. Thereafter, there shall be a meeting within thirty days of the Chairman's regularly scheduled annual appointment of a new member, for the selection of officers. Officers shall be elected by and from among the Commission members. There shall be a President, a Vice President, a Secretary, and two commissioners without title. The President shall have the authority to call a meeting. The Vice-President shall act as President in the absence or inability of the President. The Secretary shall be responsible to give the public and commissioners notice of any meeting as required by law. The Secretary shall maintain a record of all proceedings, providing a copy to the Town Clerk as soon as practicable. Each of the five Commission members shall have an equal vote for all matters brought before the commission for consideration. The Commission shall meet at least one time per year as required herein for its organizational meeting and may meet more frequently thereafter as necessary to discharge its duties. The Commission may adopt rules as allowed by law to more effectively conduct its affairs. All Commission meetings shall be open to the public, except as provided by Wisconsin Open Meetings Law, section 19.84, et seq., and section 62.13 of The Wisconsin

Statutes. The Commission shall have the powers and duties as provided herein, or otherwise proved by law, including section 62.13 of The Wisconsin Statutes, with the exception of the optional powers enumerated in section 62.13(6) of The Wisconsin Statutes.

(f) Vacancies and Removal. Commissioners may be removed by majority vote of the Town Board at any time without cause and without hearing. Any Commission vacancy created by removal or resignation shall be filled by appointment by the Town Chairperson for the remainder of the unexpired term.

(4) LAKE COMO SANITARY DISTRICT #1 COMMISSION.

(a) Creation. It is hereby acknowledged that the prior creation of the Lake Como Sanitary District No. 1 Commission has occurred, pursuant to Sec. 60.71 et. seq., Stats., which shall hereafter be referred to as LCSD.

(b) Ratification. The LCSD has previously existed and taken certain actions and other conduct. Any such actions and other conduct are hereby adopted or otherwise ratified and approved by the Town of Geneva Board, as applicable. This includes, without limitation, acknowledgement that the LCSD was previously created in compliance with any applicable statutory requirements.

(c) Selection and Number of Commissioners. Three Commissioners shall be appointed by the Town Board.

(d) Term. Terms shall be as provided in Sec. 60.75 (2), Stats.

(e) Residence. Residence requirements for Commissioners shall be as provided in Sec. 60.75(3), Stats.

(f) Vacancies. Vacancies for Commissioners shall be filled as provided in Sec. 60.75(4), Stats.

(g) Oath. Commissioners shall take and sign the oath of office as provided in Sec. 60.75(5), Stats.

(h) Organization of the Commission. The Commission shall be organized as provided in Section. 60.76, Stats.

(i) Powers and Duties. The Commission shall have the powers and duties as provided in Sections 60.77, 60.78 and 60.79, Stats.

(j) Statutes Incorporated. To the extent it is deemed necessary or desirable by the LCSD, the terms and provisions of Secs. 60.70, Stats., et. seq., are incorporated herein by reference, as though set forth fully herein.

(5) GENEVA NATIONAL SANITARY DISTRICT COMMISSION.

(a) Creation. It is hereby acknowledged that the prior creation of the Geneva National Sanitary District Commission has occurred, pursuant to Sec. 60.71 et. seq., Stats., which shall hereafter be referred to as GNSD.

(b) Ratification. The GNSD has previously existed and taken certain actions and other conduct. Any such actions and other conduct are hereby adopted or otherwise ratified and approved by the Town of Geneva Board, as applicable. This includes, without limitation, acknowledgement that the GNSD was previously created in compliance with any applicable statutory requirements.

(c) Town Board to Serve as Commissioners. Town Board members shall be the commissioners, and the number of commissioners shall be the number of Town Board Supervisors. The Town Clerk shall serve as the Secretary to Geneva National Sanitary District.

(d) Term. Terms shall be concurrent with the terms of the Town Board Supervisors as provided in Sec. 60.75 (2), Stats.

(e) Vacancies. Vacancies for Commissioners shall be filled as provided in Sec. 60.75(4), Stats.

(f) Oath. Commissioners shall take and sign the oath of office as provided in Sec. 60.75(5), Stats.

(g) Organization of the Commission. The GNSD shall be organized as provided in Section. 60.76, Stats.

(h) Powers and Duties. The GNSD shall have the powers and duties as provided in Sections 60.77, 60.78 and 60.79, Stats.

(i) Statutes Incorporated. To the extent it is deemed necessary or desirable by the GNSD, the terms and provisions of

Secs. 60.70, Stats., et. seq., are incorporated herein by reference, as though set forth fully herein.

(6) LAKE COMMITTEE.

(a) Purpose. The purpose of the Lake Committee is to investigate and recommend to the Town Board any and all activities which would contribute to the improvement, protection and rehabilitation of Lake Como. The Lake Committee will work closely with the DNR, the USGS, Walworth County Affiliated Committees, and any other agencies necessary to continue to promote the health of Lake Como. The committee shall also be responsible for making recommendations to the Town Board regarding the aquatic plant management of the Lake, as well as promoting projects to reduce shoreline erosion, developing ongoing water quality issues, monitoring of the Lake Como Spillway, and cooperating with the DNR in their fish management program.

(b) Membership. Membership of the Lake Committee shall include seven persons, one who shall serve as Committee Chair, another as Co-Chair, one as Secretary, and four as general members with voting power. Said members shall be property owners of the Town of Geneva. The Town Chairman shall appoint one of its supervisors, or may designate himself or herself, to act as a Liaison and serve on the Committee as a non-voting advisor.

(c) Terms of Office. The terms of office for members of the Lake Committee shall be as follows:

The Town Board member(s) shall serve during their respective terms of office, so long as they are appointed with the approval of the Town Chairman. Members of the Lake Committee may be removed without cause by a majority vote of the committee. Said vote for removal shall then be forwarded to the Town Board as a recommendation for their approval of such removal. In the event that a member is removed, then the vacancy created shall be filled as soon as possible for the remaining term of that vacancy.

Each Citizen Member shall be appointed initially, four members for a term of one year, and three members for a term of two years. All subsequent citizen member appointments shall be for a term of two years. Citizen members shall serve until their successors have been appointed.

The Committee Members shall receive no compensation for their services unless later determined by the Town Board as established. In the event that compensation should later be provided to members, then the Members shall be required to be permanent residents of the Town of Geneva.

(d) Organization, By-laws and Meetings. As soon as possible after its initial appointment and following each appointment of members to full terms, the Commission shall organize by the election of such officers as the Commission deems necessary.

(e) Members of the Lake Committee shall take an oath of office and shall conduct themselves in manners consistent with any other committee or commission created by the Town Board and be subject to the open meetings laws of the State of Wisconsin.

(7) MUNICIPAL EMERGENCY GOVERNMENT COMMITTEE.

(a) Purpose. The purpose of the Municipal Emergency Government Committee is to coordinate the administration of the national incident management system (NIMS) for the Town of Geneva within and between the branches of the Town of Geneva municipal government, related to any emergency condition that may arise which may affect the administration of Town government and prepare the necessary plans to address such situations.

(b) Membership. Membership of the Municipal Emergency Government Committee shall be as designated by the Town Board.

(8) EXTRATERRITORIAL ZONING COMMITTEE.

(a) ESTABLISHMENT. For those municipalities adjoining the Town of Geneva, and which have properly established a joint extraterritorial zoning committee, the Town does hereby establish its own joint extraterritorial zoning committee, hereinafter referred to as the ETZ Committee.

(b) MEMBERSHIP. Town ETZ Committee members shall represent the Town on each respective joint extraterritorial zoning committee. There shall be three (3) Town ETZ Committee members, who shall be nominated by the Town Board Chairperson and appointed by a majority vote of the Town Board. ETZ Committee members may be Town Board members, Plan Commission members, residents of the Town, or any combination thereof, and shall possess the qualifications enumerated in Sec. 62.23(7a)(c), Stats.

(c) TERM. ETZ Committee members shall serve for a term of three years.

(9) POLICE LIAISON.

(a) Purpose. The purpose of the Police Liaison is to be a pro-active element in the fight against crime; to educate the citizenry in ways to deter crime and in ways to become more secure, not only in their own homes but through citizen interaction in the entire community.

(b) Appointment. The Police Liaison shall be a Town Board member, nominated by the Town Chair and approved by a majority of Board Members.

(c) Term of Office. The Town Board member designated as the Liaison shall serve during his or her term of office, so long as he or she is appointed to set forth herein.

(10) HIGHWAY DEPARTMENT LIAISON.

(a) Purpose. The purpose of the Highway Department Liaison shall be to provide a forum for exchange of ideas and information regarding all highway department issues, and to keep the Town Board and the people informed as to said issues, and make recommendations to the Town Board regarding Town highway issues, pursuant to Ch. 82, Stats.

(b) Appointment. The Highway Department Liaison shall be a Town Board member, nominated by the Town Chair and approved by a majority of Board Members.

(c) Term of Office. The Town Board member designated as the Liaison shall serve during his or her term of office, so long as he or she is appointed as set forth herein.

(11) FIRE AND RESCUE LIAISON.

(a) Purpose. The purpose of the Fire and Rescue Liaison shall be to maintain an open line of communications with those departments providing service to the Town of Geneva and to present to the Town Board any concerns that may arise in the interest of public safety.

(b) Appointment. The Fire and rescue Liaison shall be a Town Board member, nominated by the Town Chair and approved by a majority of Board Members.

(c) Term of Office. The Town Board member designated as the Liaison shall serve during his or her term of office, so long as he or she is appointed as set forth herein.

(12) MUNICIPAL COURT LIAISON.

(a) Purpose. The purpose of the Municipal Court Liaison shall be to maintain an open line of communication with the representatives of the Town of Geneva Municipal Court and to present to the Town Board any concerns that may arise in the administration of the municipal court.

(b) Appointment. The Municipal Court Liaison shall be a Town Board member, nominated by the Town Chair and approved by a majority of Board Members.

(c) Term of Office. The Town Board member designated as the Liaison shall serve during his or her term of office, so long as he or she is appointed as set forth herein.

(13) CLERK/TREASURER LIAISON.

(a) Purpose. The purpose of the Clerk/Treasurer Liaison shall be to effectively communicate between the elected Clerk/treasurer and the Town Board so as to efficiently administer the affairs of the Town.

(b) Appointment. The Clerk/Treasurer Liaison shall be a Town Board member, nominated by the Town Chair and approved by a majority of Board Members.

(c) Term of Office. The Town Board member designated as the Liaison shall serve during his or her term of office, so long as he or she is appointed as set forth herein.

(14) BUILDING INSPECTOR LIAISON.

(a) Purpose. The purpose of the Building Inspector Liaison shall be to effectively communicate between the Building Inspector and the Town Board as to efficiently administer the building code and improvements and developments of the Town.

(b) Appointment. The Building Inspector Liaison shall be a Town Board member, nominated by the Town Chair and approved by a majority of Board Members.

(c) Term of Office. The Town Board member designated as the Liaison shall serve during his or her term of office, so long as he or she is appointed as set forth herein.

(15) SCHOOL BOARD LIAISON.

(a) Purpose. The purpose of School Board Liaison shall be to coordinate and communicate the issues and priorities of the Town to the various school districts existing in the Town by attending school board meetings and to relate to the Town Board the issues confronting those school districts.

(b) Appointments. The School Board Liaison shall be nominated by the Town Chair and approved by a majority of the Town Board.

(c) Term of Office. The Town Board member designated as this liaison shall serve during his or her term of office, so long as he or she is appointed as set forth herein.

(16) PARK COMMITTEE LIAISON.

(a) Purpose. The purpose of Park Committee Liaison shall be to coordinate and communicate the issues and priorities of the Town to the various parks existing in the Town by attending park committee meetings and to relate to the Town Board the issues confronting those parks.

(b) Appointments. The Park Committee Liaison shall be nominated by the Town Chair and approved by a majority of the Town Board.

(c) Term of Office. The Town Board member designated as this liaison shall serve during his or her term of office, so long as he or she is appointed as set forth herein.

(17) AD HOC COMMITTEES. The Town Chair may establish certain *ad hoc* committees which shall report to the Town Board. Further *ad hoc* committees may be established by a majority vote of the Town Board. Such *ad hoc* committees shall be of limited duration and shall limit their actions to the specific purpose for which said committee was established. In lieu of reporting to the Town Board, any *ad hoc* committee may, if permitted by the Town Board,

report to a standing committee or commission of the Town of Geneva and would thereby become an *ad hoc* sub-committee of that committee or commission.

(18) RATIFICATION. The Town Board does hereby ratify all actions taken by the committees designated herein, whose actions were taken prior to the effective date of this ordinance.

(19) APPLICABILITY. This ordinance shall apply only to the committees set forth herein. This ordinance shall in no way affect the Police Commission, which is governed by the separate provisions of this Municipal Code.

(20) APPOINTMENTS. Appointments to all standing committees, commissions, and liaisons shall be made by the Town Chair, subject to the approval of the Town Board, unless otherwise mandated by statute or ordinance.

(21) REMOVALS. Any person serving on a standing committee, commission, or liaison, except those who mandatorily serve by virtue of their position pursuant to this ordinance, may be removed at any time by a majority vote of the Town Board.

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### **1.11 BOARD OF REVIEW**

(1) PURPOSE. The Town shall convene a board of review, pursuant to Secs. 70.46, *et seq.*, stats., for the purposes of hearing and adjudicating disputed real property tax valuations.

(2) MEMBERSHIP AND COMPENSATION. Board of review members shall consist of the Town Board members and the Town Clerk/Treasurer, except that if the office of Town Clerk becomes an appointed one, then the Town Clerk shall not serve on the board of review. The Town shall establish and maintain a public list of names of persons eligible and appointed by the Town Board to serve as alternate members of the board of review. The list shall be arranged and maintained by the Town Clerk in a priority order of probable and likely service as an alternate. The Town Clerk shall notify any named member who has been lawfully removed under Sec. 70.47(6m)(a) or (b), stats., and shall then notify the alternate member of his or her appointment to replace a named member of the board of review. The alternate, once notified, if he or she approves the appointment, and if the appointment would not violate Sec. 19.59, Stats., shall then

take the oath of office and act as a member of the board of review under Sec. 70.47(6m) (c), Stats. Regular and alternate board of review members shall serve without compensation.

(3) RECORD OF PROCEEDINGS. The Town Clerk shall be the clerk of the board of review, and shall keep an accurate record of all of its proceedings.

(4) BOARD OF REVIEW TRAINING. The board of review shall comply with the training requirements of Sec. 70.46(4), Stats., and the Town Clerk shall provide an Affidavit to the Department of Revenue stating whether said requirement has been fulfilled.

(5) PROCEEDINGS. The board of review shall conduct its proceedings in compliance with the requirement of Secs. 70.47, *et seq.*

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### **1.12 FACSIMILE SIGNATURES.**

(1) AUTHORITY. The Town Board of the Town of Geneva, pursuant to Sec. 60.24(1)(c), Stats., authorizes the use of a facsimile signature by the Town Clerk/Treasurer for the Town Chairperson to sign or countersign all checks, drafts, or other orders for the payment of money.

(2) DEFINITION. Facsimile means an exact copy preserving all the marks of the original, including a "facsimile" signature or stamp-type replication.

(3) RETENTION. The Town Clerk/Treasurer shall retain the custody and control of any facsimile signature or exemplar of same.

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### **1.13 PERSONNEL HANDBOOK.**

(1) PERSONNEL HANDBOOK. The Town Board shall adopt written policies for personnel to govern the administration of pay, benefits, and other personnel actions. Additions, deletions, amendments, or modifications may be made from time to time with the approval of the Town Board.

(2) EFFECT. To the extent that personnel of the Town of Geneva may be governed by separate policies, laws, collective bargaining agreements, or other regulations, the policies adopted herein shall not be pre-emptive. However, unless otherwise pre-empted, the policies adopted hereunder shall serve as a condition of continued employment with the Town of Geneva.

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#### **1.14 GRIEVANCE PROCEDURE FOR HANDICAPPED PERSONS.**

(1) DEFINITION. A handicapped person is defined as any person who has a physical or mental impairment that substantially limits one or more major life activities, has a record of such impairment, or is regarded as having such impairment, all as set forth in 31 Code of Federal Regulations part 51.55 (31 CFRSS 51.55) (a) (1-6) which is hereby adopted and made a part of this Ordinance in the same manner as if set forth in full.

(2) PROCEDURE. Any person who shall feel aggrieved by any act of the Town Board of the Town of Geneva, its elected officials, officers, agents, employees or departments, shall have the right to make such grievance known to the Town in the following manner:

(a) A handicapped grievant shall make such a grievance known to the Town Clerk either verbally or in writing except that if the grievance shall be verbal the Town Clerk shall immediately reduce the grievance to writing.

(b) The Clerk shall, within five days, refer the matter to the Chairperson of the Town Board who shall appoint a member of the Town Board to hear the complainant and all interested parties and to make a recommendation to the Town Board for resolution and disposal of the grievance. The member of the Town Board shall act as an independent examiner and shall schedule a hearing on the matter within fifteen (15) days of appointment. Notice of such hearing shall be provided to all persons of interest by first class mail and all persons of interest may appear to be heard. After receipt of all evidence and statements, the examiner shall render a decision within fifteen (15) days, which decision shall be in writing. The Town Clerk shall be present at said hearing and shall make a record of all proceedings (which may be by recording) and mark all exhibits. The record made at such hearing shall be a public record and subject to Sec. 19.32-19.36, Wis. Stats. The member of the Town

Board who shall be acting as examiner shall endeavor to resolve the grievance in an amicable manner and any such informal resolution shall be reduced to writing and made part of the record of such grievance.

(c) If the Town Board examiner is unable to resolve the matter to the satisfaction of the parties, any person dissatisfied with the examiner's decision may appeal within fifteen (15) days to the Town Board.

(d) The Town Board shall review the record in its entirety and the Town Board acting as an appeal board may in its discretion hold its own hearing at which time all interested parties may appear and be heard. The Town Board shall render its decision within fifteen (15) days and any person who is aggrieved with the Town Board decision may, within thirty (30) days, appeal said decision to the Circuit Court by Writ of Certiorari as set forth in Sec. 68.13, Wis. Stats.

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#### **1.15 TOWN CEMETERY AND BURIAL SITE ORDINANCE.**

(1) AUTHORITY. The Town Board of the Town of Geneva has the specific authority under Sec. 157.50(2), Wis. Stats., and general authority under its village powers under Sec. 60.22, Wis. Stats., to adopt this ordinance.

(2) DEFINITIONS.

(a) "Burial" means entombment, inurnment, or interment.

(b) "Cemetery" means any location for burial of human remains in the town.

(c) "Human remains" means the body of a deceased individual that is in any stage of decomposition or has been cremated.

(d) "Lot" means a single grave lot platted in accordance with Section VI, whether or not occupied by a grave.

(e) "Outer burial container" means any container that is placed or intended to be placed into the burial excavation of a grave and into which a casket is placed or intended to be placed at the time of burial.

(f) "Sexton" means a town employee or independent contractor employed or retained by the town board to administer, repair, maintain, manage, and operate a town cemetery or any part of the operations of a town cemetery consistent with this

ordinance. In the event no person is specifically designated as "sexton" by the town board, "sexton" means any person or committee designated to act administratively and to manage, operate, maintain, and provide care for the town cemetery or any part of the operations or of any town cemetery pursuant to this ordinance.

(g) "Town" means the Town of Geneva, Walworth County, Wisconsin.

(h) "Town board" means the board of supervisors for the Town of Geneva, Walworth County, Wisconsin, and includes designees of the board authorized to act for the board.

(i) "Town cemetery" means a municipal cemetery owned, operated, and maintained by the Town of Geneva, Walworth County, Wisconsin, under Sec. 157.50, Wis. stats., that is located within the town.

(3) STATEMENT OF POLICY. Every town cemetery is owned, operated, directly controlled, and maintained by the town for the benefit of all citizens. Persons of all denominations of all religions, sexes, creeds, and races, shall be allowed to be buried in a town cemetery. This ordinance, adopted pursuant to Sec. 157.20(2), Wis. Stats., governs the construction, management, administration, platting, maintenance, and operation of any town cemetery and of any new cemetery or expanded cemetery of any other type in the town, including cemeteries operated by associations, religious orders and societies, and privately owned, controlled, operated, and maintained cemeteries.

(4) PLATTING OF NEW CEMETERY LOTS AND NEW OR EXPANDED CEMETERY OPERATIONS.

(a) Platting. Before any new block of any existing town cemetery or any other new or expanded cemetery in the town is opened for the sale of cemetery lots for burial of human remains after the effective date of this ordinance, the town board or the sexton for a town cemetery and any person or agent for any other cemetery in the town that is subject to Sec. 157.065, Wis. Stats, shall cause the blocks and lots to be platted and recorded in the Office of the Register of Deeds for Walworth County, Wisconsin, in accordance with Sec. 157.065, Wis. Stats.

(b) Single Grave section. The town board or the sexton shall designate, for any town cemetery, certain lots as a single grave section, and the lots within each grave section shall be platted and sold as single-grave lots. Unused portions of grave sections repossessed under Chapter 157, Wis. Stats., for

nonpayment of assessments for care shall likewise be designated and sold as single-grave lots.

(c) Purchase of new lands. The town board or the sexton shall not purchase any land for cemetery purposes without approval of the electors of the town at a regular or special town meeting.

(d) New or expanded cemeteries. No person or authorized agent of any cemetery may construct, manage, plat, or operate any new or expanded cemetery of any type in the town, after the date of adoption of this ordinance, without written permit approval of the town board. Approval, approval on condition, or denial of a permit shall only be made after a public hearing with a class 2 notice under Chapter 985, Wis. Stats. Any new or expanded cemetery to be approved by the town board shall be, at minimum, property platted and filed with the town clerk and recorded in the Office of the Register of Deeds for Walworth County, Wisconsin. No cemetery shall be located, established, or dedicated contrary to Sec. 157.065 or 157.128, Wis. Stats. The minimum cemetery acreage must be at least .5 contiguous acres at platting dedication. No cemetery shall be located, established, or dedicated in violation of a town, county, or other zoning ordinance. The town board may impose criteria to be met for approvals of permits.

#### (5) PURCHASE OF LOTS IN TOWN CEMETERY

(a) Price of lots. The town board shall from time to time by resolution fix a price on all lots to be sold for burials in any town cemetery.

(b) Sales of lots. 1. Persons, or their authorized agents, desiring to purchase a lot in any town cemetery for burial are referred to the town board, town clerk, or sexton. The town board, town clerk, or sexton shall have available suitable plats showing size and price of lots, and any other information that may be required, and render assistance to those desiring to make lot purchases. The town board, town clerk, or sexton shall issue a lot order for a selected lot to the prospective purchaser, or his or her agent, who shall present the order at the office of the town clerk. Upon receipt of proper payment to the town treasurer, the town clerk and town clerk shall issue a cemetery lot deed to the lot in the form prescribed by the town attorney. The original deed from the town and the records of the cemetery kept by the town clerk or other designee of the town board are the only evidence of title to any

lot. The deed shall be signed by the town clerk and town chair or other persons so designated by the town board and sealed and acknowledged so as to entitle the purchaser to record the deed with the Register of Deed for Walworth County, Wisconsin.

2. Persons conveying any cemetery lot in any town cemetery shall comply with Sec. 157.08, Wis. Stats., and this ordinance.

(6) OWNERSHIP RIGHTS OF BURIAL IN TOWN CEMETERY

(a) Ownership conditions. 1. The owner of a town cemetery lot, or his or her authorized agent, shall have the right to use a lot or portion of a lot or portion of a lot for burial purposes only in accordance with the terms of this ordinance or any town cemetery bylaws and regulations.

2. Upon full payment by any person of the purchase price of a town cemetery lot, the town clerk and town chair shall issue a cemetery lot deed, under seal, as provided in Section (5), subsection (b)., and a copy of the deed shall be filed in the records of the town as evidence of ownership of the lot. Lots for which lot deeds have been issued by the town may not be subdivided except by consent in writing of the town board.

3. All repossessed vacant lots in any town cemetery when resold are subject to the same fees and charges as other unoccupied lots.

(b) Burial. 1. In this subsection, "relative" means a parent, grandparent, child, grandchild, brother, sister, parent-in-law, grandparent-in-law, brother-in-law or sister-in-law, uncle or aunt, and nephew or niece.

2. Any lot owner at any town cemetery acquires the lot solely for the purpose of burial of the owner at the time of the owner's death, and if the lot is owned jointly by spouses, either spouse is entitled to burial at that lot. The lot owner may grant written permission, which must be notarized and filed with the town clerk, for the burial of specific persons other than the owner and the owner's spouse. If more than one person has an ownership interest in the lot, the written consent of all persons having an ownership interest in the lot, the written consent of all persons having an ownership interest in the lot is required to permit the burial of a person other than an owner or owner's spouse.

3. Unless otherwise directed in a writing filed with the town clerk by the lot owner under paragraph 2, the town board or the sexton shall permit the burial of persons at any town cemetery lot at the request of any interested person upon proof of eligibility for burial at the cemetery lot as follows:

i. The lot owner, and surviving spouse of the lot owner, have the first right to burial or to direct the right of burial.

ii. When there is no surviving spouse, the devisees or heirs of the owner may, by agreement in writing of all the heirs or devisees, determine who shall have the right of burial or direction for burial, which agreement shall be filed with the town clerk.

iii. If no agreement under subdivision b. is filed, the town board or the sexton may determine use, giving preference to relatives in the order listed in paragraph 1.

(c) Ownership rights. All burial rights in the cemetery lots located at any town cemetery and purchased from the town shall occupy the same position as real estate at the death of the owner. Only persons whose names appear on the cemetery records of the town will be recognized as owners or part owners of lots. Lot owners may not allow burials to be made in their lots for any remuneration or financial consideration. In case of the death of a lot owner, when the cemetery lot is disposed of by a will, and when ownership is to be determined, a certified copy of the will or final judgment in the decedent's estate must be delivered to the town clerk before the town will recognize the change of ownership. If the deceased lot owner left no will, satisfactory proof of descent must be provided. It is recommended that lot owners, in making their wills, include a provision covering the town cemetery lots and devise the lots to one person.

(d) Resale. Lot owners may not resell or transfer lots or parts of lots in any town cemetery except as follows:

i. Reconveyance of lots or parts of lots may be made only upon written application filed with and approved by the town clerk. The application shall be executed by the owner of the lots, or, if the owner is deceased, by the legal heirs. The application shall state the lot and block number. Upon approval by the town clerk, the owner of the lot shall execute a deed in the same form as an original deed from the town under sub(5)(b), so as to entitle the purchaser to record the deed with the Register of Deeds for Walworth County, Wisconsin.

ii. The town clerk shall enter in the record kept for that purpose copies of all deeds of transfer and reconveyance of cemetery lots. No deed reconveyance may be received and filed by the town clerk until a fee of \$11.00 has been paid therefore.

iii. The fee shall be deposited into the general town municipal fund.

(e) Reburial. 1. in this subsection, "reburial" means to disintomb, disinter, or disinter human remains that are buried in a cemetery and reinter, reinurn, or reinter the human remains in another grave, mausoleum space, or other place used or intended to be used for the burial of human remains that is located in the same cemetery.

2. Any reburial of any person buried in a town cemetery, or in any other cemetery in the town, shall comply with the provisions of Sec. 157.112, Wis. Stats. Any person seeking reburial shall seek approval from the appropriate cemetery authority. A county authorization for disinterment and reinterment shall be required prior to any reburial under Sec. 69.18(4), Wis. Stats.

(f) Use of repossessed lots. Whenever possible, lots repossessed under Chapter 157, Wis. Stats., in any town cemetery will be resold and used for burials before new area of the cemetery are used or platted.

(7) CARE OF LOTS AT THE TOWN CEMETERY.

(a) Perpetual care fund for town cemetery. In order to assure reliable means for permanent care of town cemeteries, a perpetual care fund is created for town cemeteries. Income from this fund shall provide all or partial maintenance costs of the town cemeteries. All lots sold in any town cemetery shall be charged a perpetual care fee included in the price of the lot and each grave shall be provided with perpetual care services under subsection (b). a record of the perpetual care fund shall be kept in the office of the town clerk. The fund may be increased by gifts, bequests, a portion of memorial charges, and other service revenues. Gifts shall be received, kept, and maintained pursuant to Sec. 157.10(8) and (9), Wis. Stats.

(b) Perpetual care. The town assumes to use the net annual income received from the investments of the perpetual care fund under subsection (a) in furnishing perpetual care of graves in town cemeteries. Perpetual care is limited to the

maintenance of lawn, leaf disposal, filling sunken graves, raising markers, and caring for avenues, alleys, fences, buildings, and grounds in general. Expenditures of income from the perpetual care fund shall be made at the discretion of the town board or the sexton. The town shall not be bound to make a separate investment of money set aside for perpetual care from a particular lot sale, but the proceeds of each lot sale shall be added to the perpetual care fund of the town and the proceeds from the fund used by the town as provided in this subsection. Nothing in this ordinance shall be construed as obligating the town as to any alleged existing contract as to perpetual care. The town board shall operate and maintain the town cemetery to provide proper and decent care of town cemeteries and the graves, and it may employ a sexton, staff, and any independent contractor necessary to provide such care.

(c) Costs of care fixed. The town board shall annually fix, as required under Sec. 157.11(5), Wis. Stats., a sum necessary for the proper and decent care of graves and unoccupied cemetery lots and improvement of any town cemetery to be paid from the following sources as determined by the town board:

- i. Payment from Walworth County to the town for veteran's graves under subsec.(f) and Sec. 45.84, Wis. Stats.
- ii. Income of the perpetual care fund.
- iii. Assessments made under subsection D.
- iv. A tax levied by the town board.

(d) Assessments against unoccupied lots. The town board may annually assess upon town cemetery lots not occupied by graves amounts not to exceed the amounts reasonably required for actual and necessary costs for care of cemetery lots and care and improvement of the cemetery pursuant to Sec. 157.11(7), Wis. Stats. Notice of the assessment, along with a copy of Sec. 157.11, Wis. Stats., shall be mailed to each owner or person having charge of a cemetery lot, at the owner's or person's last-known post office address, directing payment to the cemetery authority within 30 days and specifying that such assessments are a personal liability of the owner or person. When uniform care of a cemetery lot has been given for 2 consecutive years or more for which assessments are unpaid, after notice as provided in Sec. 157.11(2), Wis. Stats., the right to burial is forfeited until delinquent assessments are

paid. When uniform care has been given for 5 consecutive years or more and the assessments are unpaid, upon like notice, title to all unoccupied parts of the cemetery lot shall pass to the town, as cemetery authority, and may be sold, the payment of principal to be deposited into the perpetual care fund. Before depositing the payment of principal into the perpetual care fund, the cemetery authority may retain an amount necessary to cover the cemetery authority's administrative and other expense related to the sale, but the amount retained may not exceed 50% of the proceeds.

(e) General improvements. The town board shall direct and administer all improvements and maintenance within the cemetery before and after any burials. The town board shall be responsible for determining proper and decent care of the cemetery. All graves shall be sodded and mowed, when determined necessary by the town board or the sexton. The grade of the cemetery lots shall be determined by the town board or the sexton. The corners of all cemetery lots shall, when purchased, if possible, be permanently marked by the town board or the sexton. Resodding of existing graves or following disinterment will be done when determined necessary by the town board or the sexton.

(f) Veteran's graves. 1. Pursuant to Sec. 45.85, Wis. Stats., the town board shall at all times see that the graves and tombstones of all veterans, including women's auxiliary organizations created by act of Congress, who shall at any time have served in any branch of the armed forces of the United States, and of the spouses or surviving spouses of all those veterans, receive proper and decent care, and may employ all necessary assistance to carry out this section.

2. Pursuant to Sec. 45.85(1), Wis. Stats., the expense of the care of the graves and tombstones shall be borne by the county where the graves are located, except where suitable care is otherwise provided and the amount of expense charged the county for the care may not exceed the charge made for the care of other graves in the same cemetery. The town board shall report to the Walworth County clerk, on or before September 1 of each year, the locations of the graves cared for by the town board under Sec. 45.85, Wis. Stats., together with the names of the deceased and the amount claimed for care of the graves for the fiscal year from the previous July 1 to June 30

(8) PRIVILEGES AND RESTRICTION IN TOWN CEMETERIES.

(a) Bylaws and regulations. The town board may adopt bylaws and regulations for the management and care of any town cemetery and may enforce those bylaws and regulations under Sec. 157.11(2), Wis. Stats. The town board may require any person owning or controlling a cemetery lot to do anything necessary to comply with the bylaws or regulations by giving reasonable personal notice in writing if the person is a resident of the state, otherwise by publishing a class 3 notice, under Chapter 985, Wis. Stats., in the county. If the person fails to comply within 20 days thereafter, the town board may cause the action required to be done and recover the expense from the person required to take the action. The town board may also impose a forfeiture not exceeding \$10 for violation of the bylaws or regulations posted in 3 conspicuous places in the cemetery, recoverable under Chapter 778, Wis. Stats.

(b) Mounds prohibited. No person may raise the level of the earth over any grave in a town cemetery above the general level of the cemetery lot.

(c) Limitations on structures and urns. No structures, hedges, fences, railings, embankments, depressions, or other enclosures of any kind are permitted on or around lots in any town cemetery. Wooden boxes, wire containers, glass jars, bottles, toys, cans, memorials, memorabilia, personal items, and other similar objects may not be placed on lots without written approval of the town board or the sexton, and if so placed may be removed by the town board or the sexton without oral or written notice. Urns are not permitted at any town cemetery on lots sold after the passage of this ordinance. Urns existing in town cemeteries prior to the passage of this ordinance shall be removed by the town or the sexton as they become unsightly or deteriorated and shall not be replaced. Before an urn is destroyed or discarded, the last owner of record of the lot on which it is located shall be notified by registered or certified mail with return receipt requested by the town clerk that the urn has been removed from the lot and will be destroyed or discarded unless the owner of the urn claims it within 30 days after mailing of such letter.

(d) Landscaping. All landscaping, mowing, and general care of lots, and other work, construction or maintenance in the town cemetery shall be performed by the town by its officer, employees, independent contractors, or agents, including any sexton, unless otherwise provided in writing by the town board.

(e) Access to lots; opening and closing of burial places. The town reserves the right for its officers, employees, contractors, and agents, including the sexton and the town board, necessary to the performance of normal town cemetery operations to enter upon or cross over any lot in any town cemetery in the performance of any duties or work necessary under this ordinance. The town board, by its officers, employees, contractors, and agents, including the sexton, has the sole right to the opening and closing of burial places used or to be used for burial of human remains in the town cemetery, unless so ordered by a court of record to open or close such places.

(f) No assumption of liability for damages. The town, and its officer, employees, contractors, and agents, including the sexton and the town board, assume no liability for damages to property or person, or for physical or mental suffering arising out of the performance of its normal operations related to the construction, management, operation, maintenance, care, and platting of any town cemetery, including care of the cemetery, any lot, and the graves, or for loss by vandalism or other acts beyond its reasonable control at a town cemetery.

(g) Altering physical conditions. The town board reserves the right to alter, change, or close alleys, roadways, walkways, water mains, and other physical public properties at any town cemetery.

(h) Enforcement of regulations and ordinance. The town board may appoint, with citation issuance and service powers, any employee or agent of the town, including the sexton, to administer and enforce its town cemetery bylaws and regulation and this ordinance.

(9) MISCELLANEOUS.

(a) Neglected lots. It is urged that lot owners interest themselves in the present and future care of their lots, as a single neglected lot mars the beauty of the entire town cemetery. The town board or the sexton may notify, or attempt to notify, in writing a lot owner that any lot, or monument or marker thereon, is being neglected that the failure to comply with this ordinance and town cemetery bylaws and regulations regarding proper care and management, or failure to correct a neglected lot, may be cause for imposition of forfeitures under Sec. 157.11(2), Wis. Stats.

(b) Schedule of payments. A schedule of the fees and charges for any town cemetery, as established by the town board by resolution shall be on file in the office of the town clerk. The town board may by resolution change the schedule from time to time without advance notice to conform the fees and charges to current economic conditions.

(c) Fee payment location. All fees and charges for any town cemetery in the current schedule of fees and charges adopted under subsection (b) are payable to the town treasurer at the office of the town clerk, where receipts will be issued for the amounts paid.

(d) Sexton. The town board, by resolution, may designate, retain, or employ a person as sexton or may designate any other person or committee to act administratively and to manage, operate, maintain, and provide care for the town cemetery or any part of the operations or of any town cemetery pursuant to this ordinance. The sexton may be a town employee or may, with proper insurance and indemnification protection for the town, its officer, employees, and agents, be an independent contractor or agent retained under written contract for a fixed time of years. The town board, consistent with this ordinance, shall designate the authority, responsibility, and duties to the sexton by written resolution. The town board shall be responsible for proper supervision of the sexton.

(e) Amendment of ordinance. The town board reserves the right to amend this ordinance to conform with newly developed cemetery practices or any other legal purpose that the town board deems necessary and appropriate. Before this ordinance is amended, a public hearing shall be held on the proposed amendment before the town board. Notice of the public hearing shall be published in a local newspaper at least 10 days prior to the hearing.

#### (10) PENALTIES.

(a) Citation. The town board may establish a citation ordinance for enforcement of violations of this ordinance and for any bylaws or regulations.

(b) Penalties. Any person who violates this section or any bylaws or regulation adopted pursuant thereto shall, upon conviction, be penalized as provided in Sec. 25.04. Each day a violation exists or continues constitutes a separate offense

under this ordinance. The town board may withhold the issuance of any town licenses, authorities, grants, or permits and any additional cemetery lot purchases and permits for burial or disinterment until the violation has been abated and all penalties and costs satisfied.

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#### **1.16 POLICE COMMISSION.**

(1) The Town of Geneva Board of Police Commissioners, also known as the Town of Geneva Police Commission, was previously established on June 11, 2007, pursuant to Secs. 60.57, 60.56 and 62.13, Wis. Stats.

(2) The Town of Geneva Police Commission shall consist of five(5) citizen or non-citizen members, none of whom may simultaneously be elected or appointed officials of the Town, nor may the members be employees of the Town. Three(3) members shall constitute a quorum. No more than three members of the Commission shall be members of the same political party.

(3) The Town Chairperson shall appoint the members of the Commission, pursuant to Secs. 62.13(1) and 60.57(3), Stats. Such appointments shall be made annually, initially with one appointment for approximately five years, one for approximately four years, one for approximately three years, one for approximately two years, and one for approximately one year. Thereafter, the Town Chairperson 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 member per year for a term of five years. All terms, including the initial terms described above, shall expire on their appointed year, on the date that the Town Chairperson appoints new members. Members of the Commission shall serve without compensation for their service, although the Town Board may vote to allow compensation at a later date if it so desires. Any compensation shall be as allowed by law.

(4) The members of the Commission shall meet within thirty days of the entire Commission taking its oath of office for the initial selection of officers. Thereafter, there shall be a meeting within thirty days of the Chairman's regularly scheduled annual appointment of a new member, for the selection of officers. Officers shall be elected by and from among the sitting Commission members. There shall be a President, a Vice-

President, a Secretary and two commissioners without title. The President shall have the authority to call a meeting. The Vice-President shall act as President in the absence or inability of the President. The Secretary shall be responsible to give the public and commissioners notice of any meeting as required by law. The Secretary shall maintain a record of all proceedings. Each of the five Commission members shall have an equal vote for all matters brought before the Commission for consideration. The Commission shall meet at least one time per year as required herein for its organizational meeting and may meet more frequently thereafter as necessary to discharge its duties. The Commission may adopt rules as allowed by law to more effectively conduct its affairs. All Commission meetings shall be open to the public, except as provided by the Wisconsin Open Meetings Law, Sec. 19.84, *et seq.*, and Sec. 62.13, Stats. The Commission shall have the powers and duties as provided herein, or otherwise provided by law, including Sec. 62.13, Stats., with the exception of the optional powers enumerated in Sec. 62.13(6), Stats.

(5) Commissioners may be removed by majority vote of the Town Board at any time without cause and without a hearing. Any Commission vacancy created by removal or resignation shall be filled by appointment by the Town Chairperson for the remainder of the unexpired term.

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### **1.17 POSTING AND PUBLICATION.**

(1) POSTING. The Town Clerk shall, pursuant to Sec. 60.80 and Ch. 985, Wis. Stats., post ordinances, resolutions and notices which are not legally required to be published in at least three places in the Town likely to give notice to the public. The Clerk have a designee complete posting duties on the Clerk's behalf who shall execute a certificate of posting as the clerk's designee, and shall then return the certificate to the Clerk. However, the Clerk remains obligated to post the above items pursuant to Sec. 60.80(1), Stats., despite the use of a designee.

(2) PUBLICATION. Ordinances and notices required by law to be published and such other notices as the Town Board may direct to be published shall be published in the newspaper having general circulation in the Town and eligible to publish legal notices.

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