

TITLE 2

Government and Administration

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CHAPTER 1

City Government; Elections

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SEC. 2-1-1 CITY GOVERNMENT.

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

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

SEC. 2-1-2 OFFICIAL NEWSPAPER.

The official newspaper of the City of Ladysmith shall be the Ladysmith News.

State Law Reference: Sec. 985.05, Wis. Stats.

SEC. 2-1-3 APPOINTMENT OF ELECTION OFFICIALS.

There shall be a minimum of five (5) inspectors for each polling place at each election held under [Chapters 5 to 12, Wis. Stats.](#), and a minimum of seven (7) inspectors for each polling place for presidential elections. When voting machines are used, the number of inspectors may be reduced to five (5). Inspectors shall be appointed as provided in [Sec. 7.30, Wis. Stats.](#)

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

SEC. 2-1-4 ELECTIONS.

- (a) **Annual City Election.** The annual City election shall be held on the first Tuesday in April.
- (b) **Polling Hours.** The polls for all elections shall open at 7:00 a.m. and close at 8:00 p.m. The rules for provision of voting booths, ballots and election officials and all of the rules for conduct of elections in [Title II, Wisconsin Statutes](#), shall apply to elections in the City of Ladysmith.
- (c) **Polling Places.** The designated polling place for all wards of the City of Ladysmith shall be at the Ladysmith Fire Hall.
- (d) **Authority to Split Shifts on Election Day and Appointment of Alternate Election Officials.** The City of Ladysmith Common Council establishes this Ordinance pursuant to Wisconsin Stat. 7.30(1)(a). Wisconsin law provides that a municipal governing body may provide for the selection of alternate election officials, as needed, to maintain adequate staffing on an election day or the selection of two (2) or more sets of officials to work at different times on election day, and may permit the City Clerk to establish different working hours for different election officials assigned to the same polling place.

Ord. 2010-01 adopted on 1/25/2010.

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

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

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

SEC. 2-1-6 WARDS.

The City of Ladysmith shall be divided into fifteen (15) wards with the following described boundaries:

- (A) **FIRST WARD.** BEGINNING AT THE INTERSECTION OF STH 27 AND COLLEGE AVE;
 - A. THENCE E ALONG THE CL OF COLLEGE AVE TO THE INTERSECTION OF W 5TH ST;
 - B. THENCE N ALONG THE CL OF W 5TH ST TO THE INTERSECTION OF SABIN AVE;
 - C. THENCE E ALONG THE CL OF SABIN AVE TO THE INTERSECTION OF 1ST ST;
 - D. THENCE S ALONG THE CL OF 1ST ST TO THE INTERSECTION OF COLLEGE AVE;
 - E. THENCE E ALONG THE CL OF COLLEGE AVE TO THE INTERSECTION OF E 3RD ST;
 - F. THENCE N ALONG THE CL OF E 3RD ST TO THE INTERSECTION OF ADAMS AVE;
 - G. THENCE E ALONG THE CL OF ADAMS AVE TO THE INTERSECTION OF E 4TH ST;
 - H. THENCE N ALONG THE CL OF E 4TH ST TO THE INTERSECTION OF WASHINGTON AVE;
 - I. THENCE W ALONG THE CL OF WASHINGTON AVE TO THE INTERSECTION OF E 3RD ST;
 - J. THENCE N ALONG THE CL OF E 3RD ST TO THE INTERSECTION OF CORBETT AVE;
 - K. THENCE W ALONG THE CL OF CORBETT AVE TO THE INTERSECTION OF E 2ND ST;

- L. THENCE S ALONG THE CL OF E 2ND ST TO THE INTERSECTION OF WASHINGTON AVE;
 - M. THENCE W ALONG THE CL OF WASHINGTON AVE TO THE INTERSECTION OF 1ST ST;
 - N. THENCE S ALONG THE CL OF 1ST ST TO THE INTERSECTION OF W 2ND ST;
 - O. THENCE N ALONG THE CL OF W 2ND ST TO THE INTERSECTION OF CORBETT AVE;
 - P. THENCE W ALONG THE CL OF CORBETT AVE TO THE INTERSECTION OF FALGE PARK DR;
 - Q. THENCE W ALONG THE CL OF FALGE PARK DR TO THE INTERSECTION OF STH 27;
 - R. THENCE S ALONG THE CL OF STH 27 TO THE POINT OF BEGINNING.
- (B) **SECOND WARD.** BEGINNING AT THE INTERSECTION OF W 5TH ST AND CORBETT AVE;
- A. THENCE N ALONG THE CL OF W 5TH ST TO THE INTERSECTION OF WORDEN AVE;
 - B. THENCE W ALONG THE CL OF WORDEN AVE W TO THE INTERSECTION OF W 7TH ST;
 - C. THENCE N ALONG THE CL OF W 7TH ST TO THE INTERSECTION OF LAKE AVE;
 - D. THENCE E ALONG THE CL OF LAKE AVE TO THE N/S LINE CN RAILROAD;
 - E. THENCE N ALONG THE CL OF THE N/S LINE CN RAILROAD TO THE INTERSECTION OF PEDERSON AVE EXTENDED;
 - F. THENCE E AT THE INTERSECTION OF PEDERSON AVE TO THE CL AT W5TH ST N;
 - G. THENCE N ALONG THE CL OF W 5TH ST N TO THE INTERSECTION OF ROESLER AVE;
 - H. THENCE W ALONG THE CL OF ROESLER AVE TO THE N/S LINE CN RAILROAD;
 - I. THENCE N ALONG THE CL OF THE N/S LINE CN RAILROAD TO THE INTERSECTION OF W 9TH ST;
 - J. THENCE S ALONG THE ALONG THE CORPORATE BOUNDARY LINE OF THE CITY OF LADYSMITH MOVING IN A COUNTER CLOCKWISE DIRECTION TO THE INTERSECTION OF PORT ARTHUR RD;
 - K. THENCE E ALONG THE CL OF PORT ARTHUR RD TO THE INTERSECTION OF W 9TH ST;
 - L. THENCE N ALONG THE CL OF W 9TH ST TO THE INTERSECTION OF FALGE PARK DR;
 - M. THENCE E ALONG THE CL OF FALGE PARK DR TO THE INTERSECTION OF CORBETT AVE;
 - N. THENCE E ALONG THE CL OF CORBETT AVE TO THE POINT OF BEGINNING.
- ALSO, COMMENCING AT THE NE CORNER OF SECTION 5, T 34 N, R 6 W; THENCE S ALONG THE E SECTION LINE OF SECTION 5, T 34 N, R 6 W A DISTANCE OF 90 FEET TO THE S R/W LINE OF USH 8 THIS BEING THE POINT OF BEGINNING;
- 1. THENCE S ALONG THE E SECTION LINE OF SECTION 5, T 34 N, R 6 W A DISTANCE OF 416.2 FEET TO THE N R/W LINE OF THE CANADIAN NATIONAL RAILWAY;
 - 2. THENCE W ALONG THE R/W LINE OF THE CANADIAN NATIONAL RAILWAY A DISTANCE OF 893 FEET;
 - 3. THENCE N PARALLEL WITH THE E SECTION LINE OF SECTION 5, T 34 N, R 6 W A DISTANCE OF 449.5 FEET TO THE S R/W LINE OF USH 8;
 - 4. THENCE EAST ALONG THE S R/W LINE OF USH 8 A DISTANCE OF 893 FEET TO THE POINT OF BEGINNING.
- (C) **THIRD WARD.** BEGINNING AT THE INTERSECTION OF E 3RD ST AND WORDEN AVE;
- A. THENCE E ALONG THE CL OF WORDEN AVE TO THE INTERSECTION OF E 9TH ST;
 - B. THENCE N ALONG THE CL OF E 9TH ST TO THE INTERSECTION OF MINER AVE,
 - C. THENCE E ALONG THE CL OF MINER AVE TO THE INTERSECTION OF E 10TH ST;
 - D. THENCE S ALONG THE CL OF E 10TH ST EXTENDED TO THE E/W LINE CN RAILROAD;
 - E. THENCE E ALONG THE CL OF THE E/W LINE CN RAILROAD TO THE EASTERLY BANK OF THE FLAMBEAU RIVER;
 - F. THENCE UPSTREAM ALONG THE BANK OF THE FLAMBEAU RIVER TO THE INTERSECTION OF E 3RD ST;
 - G. THENCE S ALONG THE CL OF E 3RD ST TO THE POINT OF BEGINNING.
- (D) **FOURTH WARD.** BEGINNING AT THE INTERSECTION OF STH 27 AND THE NORTHERLY BANK OF THE FLAMBEAU RIVER;
- A. THENCE UPSTREAM ALONG THE BANK OF THE FLAMBEAU RIVER TO THE INTERSECTION OF CTH G;
 - B. THENCE N ALONG THE CL OF CTH G TO THE INTERSECTION OF LINDOO AVE;

- C. THENCE W ALONG THE CL OF LINDOO AVE TO THE INTERSECTION OF E 12TH ST;
 - D. THENCE S ALONG THE CL OF E 12TH ST TO THE INTERSECTION OF SABIN AVE;
 - E. THENCE W ALONG THE CL OF SABIN AVE TO THE INTERSECTION OF E 4TH ST;
 - F. THENCE N ALONG THE CL OF E 4TH ST TO THE INTERSECTION OF LINDOO AVE;
 - G. THENCE W ALONG THE CL OF LINDOO AVE TO THE INTERSECTION OF E 3RD ST;
 - H. THENCE S ALONG THE CL OF E 3RD ST TO THE INTERSECTION OF COLLEGE AVE;
 - I. THENCE W ALONG THE CL OF COLLEGE AVE TO THE INTERSECTION OF 1ST ST;
 - J. THENCE N ALONG THE CL OF 1ST ST TO THE INTERSECTION OF SABIN AVE;
 - K. THENCE W ALONG THE CL OF SABIN AVE TO THE INTERSECTION OF W 5TH ST;
 - L. THENCE S ALONG THE CL OF W 5TH ST TO THE INTERSECTION OF COLLEGE AVE;
 - M. THENCE W ALONG THE CL OF COLLEGE AVE TO THE INTERSECTION OF STH 27;
 - N. THENCE SOUTH ALONG THE CL OF STH 27 TO THE POINT OF BEGINNING.
- (E) **FIFTH WARD.** BEGINNING AT THE INTERSECTION OF E 3RD ST AND MENASHA AVE;
- A. THENCE N ALONG THE CL OF E 3RD ST TO THE INTERSECTION OF EVERETT AVE;
 - B. THENCE W ALONG THE CL OF EVERETT AVE TO THE CL OF W 2ND ST;
 - C. THENCE N ALONG THE CL OF W 2ND ST TO THE INTERSECTION OF PARK AVE;
 - D. THENCE W ALONG THE CL OF PARK AVE EXTENDED TO THE INTERSECTION OF THE EASTERLY BANK OF THE FLAMBEAU RIVER;
 - E. THENCE N ALONG THE BANK OF THE FLAMBEAU RIVER TO THE INTERSECTION OF THE E/W ¼ LINE OF SECTION 34, T 35 N, R 6 W THIS ALSO BEING THE CORPORATE BOUNDARY LINE OF THE CITY OF LADYSMITH;
 - F. THENCE ALONG THE CORPORATE BOUNDARY LINE OF THE CITY OF LADYSMITH MOVING IN A CLOCKWISE DIRECTION TO THE INTERSECTION OF E 16TH ST SOUTH OF MENASHA AVE;
 - G. THENCE N ALONG THE CL OF E 16TH ST TO THE INTERSECTION OF MENASHA AVE;
 - H. THENCE W ALONG THE CL OF MENASHA AVE TO THE INTERSECTION OF E 10TH ST;
 - I. THENCE N ALONG THE CL OF E 10TH ST TO THE INTERSECTION OF PARK AVE;
 - J. THENCE W ALONG THE CL OF PARK AVE TO THE INTERSECTION OF E 5TH ST;
 - K. THENCE S ALONG THE CL OF E 5TH ST TO THE INTERSECTION OF MENASHA AVE;
 - L. THENCE W ALONG THE CL OF MENASHA AVE TO THE POINT OF BEGINNING.
- (F) **SIXTH WARD.** BEGINNING AT THE INTERSECTION OF E 6TH ST AND CORBETT AVE;
- A. THENCE S ALONG THE CL OF E 6TH ST TO THE INSECTION OF LINDOO AVE EXTENDED
 - B. THENCE E ALONG THE CL OF LINDOO AVE TO THE INTERSECTION OF E 6TH ST;
 - C. THENCE S ALONG THE CL OF E 6TH ST TO THE INTERSECTION OF SABIN AVE;
 - D. THENCE E ALONG THE CL OF SABIN AVE TO THE INTERSECTION OF E 12TH ST,
 - E. THENCE N ALONG THE CL OF E 12TH ST TO THE INTERSECTION OF LINDOO AVE;
 - F. THENCE E ALONG THE CL OF LINDOO AVE TO THE INTERSECTION OF CTH G;
 - G. THENCE S ALONG THE CL OF CTH G TO THE EASTERLY BANK OF THE FLAMBEAU RIVER;
 - H. THENCE UPSTREAM ALONG THE BANK OF THE FLAMBEAU RIVER TO THE INTERSECTION OF THE E/W LINE CN RAILROAD;
 - I. THENCE W ALONG THE CL OF THE E/W LINE CN RAILROAD TO THE INTERSECTION OF E 10TH ST EXTENDED;
 - J. THENCE N ALONG THE CL OF E 10TH ST EXTENDED TO THE INTERSECTION OF MINER AVE;
 - K. THENCE W ALONG THE CL OF MINER AVE TO THE INTERSECTION OF E 9TH ST;
 - L. THENCE S ALONG THE CL OF E 9TH ST TO THE INTERSECTION OF WORDEN AVE;
 - M. THENCE W ALONG THE CL OF WORDEN AVE TO THE INTERSECTION OF E 3RD ST;
 - N. THENCE S ALONG THE CL OF E 3RD ST EXTENDED TO THE INTERSECTION OF THE E/W LINE CN RAILROAD;
 - O. THENCE E ALONG THE CL OF THE E/W LINE CN RAILROAD TO THE INTERSECTION OF E 6TH ST;
 - P. THENCE S ALONG THE CL OF E 6TH ST TO THE POINT OF BEGINNING.
- (G) **SEVENTH WARD.** BEGINNING AT THE INTERSECTION OF W 4TH ST AND LAKE AVE;
- A. THENCE W ALONG LAKE AVE TO THE N/S LINE CN RAILROAD ;
 - B. THENCE N ALONG THE N/S LINE CN RAILROAD TO THE INTERSECTION OF PEDERSON AVE;
 - C. THENCE E ALONG THE CL OF PEDERSON AVE TO THE INTERSECTION OF W 5TH ST;
 - D. THENCE N ALONG THE CL OF W 5TH ST TO THE INTERSECTION OF ROESLER AVE;

- E. THENCE W ALONG THE CL OF ROESLER AVE TO THE INTERSECTION OF THE N/S LINE CN RAILROAD;
 - F. THENCE N ALONG THE CL OF THE N/S LINE CN RAILROAD TO THE INTERSECTION OF STH 27 THIS ALSO BEING THE CORPORATE BOUNDARY LINE FOR THE CITY OF LADYSMITH;
 - G. THENCE ALONG THE CORPORATE BOUNDARY LINE OF THE CITY OF LADYSMITH MOVING IN A CLOCKWISE DIRECTION TO THE INTERSECTION OF THE E/W ¼ LINE OF SECTION 34, T 35 N, R 6 W AND THE EASTERLY BANK OF THE FLAMBEAU RIVER;
 - H. THENCE S ALONG THE BANK OF THE FLAMBEAU RIVER TO THE INTERSECTION OF E 3RD ST;
 - I. THENCE S ALONG THE CL OF E 3RD ST TO THE INTERSECTION OF LAKE AVE;
 - J. THENCE W ALONG THE INTERSECTION OF LAKE AVE TO THE POINT OF BEGINNING.
- (H) **EIGHTH WARD.** BEGINNING AT THE INTERSECTION OF CTH G AND THE EASTERLY BANK OF THE FLAMBEAU RIVER;
- A. THENCE UPSTREAM ALONG THE BANK OF THE FLAMBEAU RIVER TO THE INTERSECTION OF E 11TH ST EXTENDED;
 - B. THENCE N ALONG THE CL OF E 11TH ST TO THE INTERSECTION OF MENASHA AVE;
 - C. THENCE E ALONG THE CL OF MENASHA AVE TO THE INTERSECTION OF E 16TH ST;
 - D. THENCE S ALONG THE CL OF E 16TH ST TO THE INTERSECTION OF THE CORPORATE BOUNDARY OF THE CITY OF LADYSMITH;
 - E. THENCE ALONG THE CORPORATE BOUNDARY LINE OF THE CITY OF LADYSMITH MOVING IN A CLOCKWISE DIRECTION TO THE INTERSECTION WITH BARNETT RD;
 - F. THENCE W ALONG THE CL OF BARNETT RD TO THE INTERSECTION OF GUSTAFSON RD;
 - G. THENCE W ALONG GUSTAFSON RD TO THE INDUSTRIAL E/W RR TRACKS;
 - H. THENCE W ALONG THE CL OF INDUSTRIAL E/W RR TRACKS TO THE INTERSECTION OF THE N/S LINE CN RAILROAD;
 - I. THENCE N ALONG THE CL OF THE N/S LINE CN RAILROAD TO THE SOUTHERN BANK OF THE FLAMBEAU RIVER;
 - J. THENCE E ALONG THE BANK OF THE FLAMBEAU RIVER TO THE INTERSECTION OF CTY RD G;
 - K. THENCE ALONG THE CL OF CTH G TO THE POINT OF BEGINNING.
- (I) **NINTH WARD.** BEGINNING AT THE INTERSECTION OF E 3RD ST AND RIVER AVE;
- A. THENCE E ALONG THE CL OF RIVER AVE TO THE INTERSECTION OF THE WEST LOT LINE OF LOT 1, BLOCK 23, MENASHA WOODENWARE COMPANY'S THIRD ADDITION EXTENDED;
 - B. THENCE SOUTH ALONG SAID WEST LOT LINE TO THE NORTHERLY BANK OF THE FLAMBEAU RIVER;
 - C. THENCE DOWNSTREAM ALONG THE BANK OF THE FLAMBEAU RIVER TO THE INTERSECTION OF E 11TH ST EXTENDED;
 - D. THENCE N ALONG THE CL OF E 11TH ST EXTENDED TO THE INTERSECTION OF MENASHA AVE;
 - E. THENCE W ALONG THE CL OF MENASHA AVE TO THE INTERSECTION OF E 10TH ST;
 - F. THENCE N ALONG THE CL OF E 10TH ST TO THE INTERSECTION OF PARK AVE;
 - G. THENCE W ALONG THE CL OF PARK AVE TO THE INTERSECTION OF E 5TH ST;
 - H. THENCE S ALONG THE CL OF E 5TH ST TO THE INTERSECTION OF MENASHA AVE;
 - I. THENCE W ALONG THE CL OF MENASHA AVE TO THE INTERSECTION OF E 3RD ST;
 - J. THENCE S ALONG THE CL OF E 3RD ST TO THE POINT OF BEGINNING.
- (J) **TENTH WARD.** BEGINNING AT THE INTERSECTION OF 1ST ST AND W 2ND ST;
- A. THENCE N ALONG THE CL OF W 2ND ST TO THE INTERSECTION OF CORBETT AVE;
 - B. THENCE W ALONG CORBETT AVE TO THE INTERSECTION OF THE N/S LINE CN RAILROAD;
 - C. THENCE N ALONG THE CL OF THE N/S LINE CN RAILROAD TO THE INTERSECTION OF FRITZ AVE;
 - D. THENCE E ALONG THE CL OF FRITZ AVE TO THE INTERSECTION OF E 3RD ST;
 - E. THENCE S ALONG THE CL OF E 3RD ST TO THE INTERSECTION OF CORBETT AVE;
 - F. THENCE W ALONG THE CL OF CORBETT AVE TO THE INTERSECTION OF E 3RD ST;
 - G. THENCE S ALONG THE CL OF E 3RD ST TO THE INTERSECTION OF WASHINGTON AVE;

- H. THENCE W ALONG THE CL OF WASHINGTON AVE TO THE INTERSECTION OF 1ST ST;
- I. THENCE S ALONG THE CL OF 1ST ST TO THE POINT OF BEGINNING.
- (K) **ELEVENTH WARD.** BEGINNING AT THE INTERSECTION OF E 4TH ST AND CENTER AVE;
 - A. THENCE N ALONG THE CL OF E 4TH ST TO THE INTERSECTION OF LINDOO AVE;
 - B. THENCE E ALONG THE CL OF LINDOO AVE TO THE INTERSECTION OF E 6TH ST;
 - C. THENCE S ALONG THE CL OF E 6TH ST S TO THE INTERSECTION OF SABIN AVE;
 - D. THENCE W ALONG THE CL OF SABIN AVE TO THE INTERSECTION OF E 4TH ST;
 - E. THENCE N ALONG THE CL OF E 4TH ST TO THE POINT OF BEGINNING.
- (L) **TWELFTH WARD.** BEGINNING AT THE INTERSECTION OF W 2ND ST AND FRITZ AVE;
 - A. THENCE E ALONG THE CL OF FRITZ AVE TO THE INTERSECTION OF E 3RD ST;
 - B. THENCE N ALONG THE CL OF E 3RD ST TO THE INTERSECTION OF WORDEN AVE;
 - C. THENCE E ALONG THE CL OF WORDEN AVE TO THE INTERSECTION OF E 4TH ST;
 - D. THENCE N ALONG THE CL OF E 4TH ST TO THE INTERSECTION OF LAKE AVE;
 - E. THENCE W ALONG THE CL OF LAKE AVE TO THE INTERSECTION OF W 7TH ST;
 - F. THENCE S ALONG THE CL OF W 7TH ST TO THE INTERSECTION OF WORDEN AVE;
 - G. THENCE E ALONG THE CL OF WORDEN AVE TO THE INTERSECTION OF W 5TH ST;
 - H. THENCE S ALONG THE CL OF W 5TH ST TO THE INTERSECTION OF CORBETT AVE;
 - I. THENCE E ALONG THE CL OF CORBETT AVE TO THE TO THE INTERSECTION OF THE N/S LINE CN RAILROAD;
 - J. THENCE N ALONG THE CL OF THE N/S LINE CN RAILROAD TO THE INTERSECTION OF FRITZ AVE;
 - K. THENCE E ALONG THE CL OF FRITZ AVE TO THE POINT OF BEGINNING.
- (M) **THIRTEENTH WARD.** BEGINNING AT THE INTERSECTION OF E 3RD ST AND LINDOO AVE;
 - A. THENCE E ALONG THE CL OF LINDOO AVE TO THE INTERSECTION OF E 6TH ST;
 - B. THENCE N ALONG THE CL OF E 6TH ST TO THE INTERSECTION OF THE E/W LINE CN RAILROAD;
 - C. THENCE W ALONG THE CL OF THE E/W LINE CN RAILROAD TO THE INTERSECTION OF E 3RD ST;
 - D. THENCE S ALONG THE CL OF E 3RD ST TO THE INTERSECTION OF WASHINGTON AVE;
 - E. THENCE E ALONG THE CL OF WASHINGTON AVE TO THE INTERSECTION OF E 4TH ST;
 - F. THENCE S ALONG THE CL OF E 4TH ST TO THE INTERSECTION OF ADAMS AVE;
 - G. THENCE W ALONG THE CL OF ADAMS AVE TO THE INTERSECTION OF E 3RD ST;
 - H. THENCE S ALONG THE CL OF E 3RD ST TO THE POINT OF BEGINNING.
- (N) **FOURTEENTH WARD.** BEGINNING AT THE INTERSECTION OF STH 27 AND THE NORTHERLY BANK OF THE FLAMBEAU RIVER;
 - A. THENCE UPSTREAM ALONG THE BANK OF THE FLAMBEAU RIVER TO THE INTERSECTION OF CTH G;
 - B. THENCE S ALONG CTY G TO THE SOUTH BANK OF THE FLAMBEAU RIVER;
 - C. THENCE W DOWNSTREAM ALONG THE SOUTH BANK OF THE FLAMBEAU RIVER TO THE N/S LINE CN RAILROAD;
 - D. THENCE S ALONG THE CL OF THE N/S LINE CN RAILROAD TO THE INDUSTRIAL E/W RR TRACKS;
 - E. THENCE E ALONG THE E/W INDUSTRIAL RAILROAD TRACKS TO THE INTERSECTION OF GUSTAFSON RD;
 - F. THENCE N & E ALONG GUSTAFSON RD TO THE INTERSECTION OF BARNETT RD;
 - G. THENCE E ALONG BARNETT RD TO THE CORPORATE BOUNDARY LINE OF THE CITY OF LADYSMITH;
 - H. THE CORPORATE BOUNDARY LINE OF THE CITY OF LADYSMITH MOVING IN A CLOCKWISE DIRECTION TO THE INTERSECTION OF PORT ARTHUR RD;
 - I. THENCE E ALONG THE CL OF PORT ARTHUR RD TO THE INTERSECTION OF STH 27;
 - J. THENCE S ALONG THE CL OF STH 27 TO THE POINT OF BEGINNING.
- (O) **FIFTEENTH WARD.** BEGINNING AT THE INTERSECTION OF E 3RD ST AND RIVER AVE;
 - A. THENCE S ALONG CL OF E 3RD ST TO THE NORTHERLY BANK OF THE FLAMBEAU RIVER;
 - B. THENCE UPSTREAM ALONG THE BANK OF THE FLAMBEAU RIVER TO THE INTERSECTION OF PARK AVE EXTENDED;
 - C. THENCE E ALONG THE CL OF PARK AVE EXTENDED TO THE INTERSECTION OF W 2ND ST;

- D. THENCE S ALONG THE CL OF W 2ND ST TO THE INTERSECTION OF EVERETT AVE;
- E. THENCE E ALONG THE CL OF EVERETT AVE TO THE INTERSECTION OF E 3RD ST;
- F. THENCE S ALONG THE CL OF E 3RD ST TO THE POINT OF BEGINNING.

Ordinance 2021-05 adopted on 10/22/2021.

SEC. 2-1-7 ALDERMANIC DISTRICTS.

The City of Ladysmith shall consist of seven (7) Aldermanic Districts comprised of the following wards:

- (a) **District One.** Wards 1, 10, 13.
- (b) **District Two.** Wards 2, 12.
- (c) **District Three.** Wards 3, 8, 9, 15.
- (d) **District Four.** Wards 4, 14.
- (e) **District Five.** Ward 5.
- (f) **District Six.** Wards 6, 11.
- (g) **District Seven.** Ward 7.

Ord. 2011-05 adopted July 11, 2011, published July 21, 2011.

SEC. 2-1-8 ADVISORY REFERENDUM.

- (a) **Purpose.** The purpose of this ordinance is to establish specific guidelines and procedures for an advisory referendum in the City of Ladysmith and authorize such measures for matters of substantial public interest and discussion while respecting the principles of representative democracy and the decision making responsibilities of the Common Council and other municipal officials provided by state law.
- (b) **Limitations.** Except where an advisory referendum procedure is otherwise established by law, an advisory referendum shall be conducted only in accordance with the procedures provided by this section. This section authorizes only an advisory referendum and no authority for a binding referendum is intended by it or to be construed from it.
- (c) **Legislative Matter Determination.** Prior to submission of any question for an advisory referendum pursuant to this section, the question to be submitted shall be submitted to and reviewed by the City Attorney to determine whether the question involves an administrative or legislative matter. The City Attorney shall submit a report to the Common Council. The Common Council shall determine whether the question involves an administrative or legislative matter. If the question is found to be legislative, it shall be submitted to the voters upon compliance with the requirements of this section. If the question is found to be administrative, the question shall not be submitted to the voters.
- (d) **By Vote of Common Council.** An advisory referendum may be held upon a three-fourths (3/4ths) vote of all members of the Common Council approving such referendum on a legislative matter subject to determination by the Common Council.
- (e) The Common Council shall, without alteration, either pass the referendum question within 30 days following the date of approving such referendum by the Common Council, or submit it to the electors at the next spring, primary or general election, if the election is more than 6 weeks after the date of the Council's action on the petition or the expiration of the 30-day period, whichever first occurs (as the Council may determine). If there are 6 weeks or less before the election, the referendum question shall be voted on at the next election thereafter. The Council by a three-fourths vote of all members may order a special election for the purpose of voting on the referendum question at any time prior to the next election, but not more than one special election may be ordered in any 6-month period.
- (f) The City Clerk shall cause notice of the referendum question that is being submitted to a vote to be given as provided in s. 10.06 (3) (f).
- (g) The referendum question need not be printed in its entirety on the ballot, but a concise statement of its nature shall be printed together with a question permitting the elector to indicate approval or disapproval of its adoption.

- (h) If a majority vote in favor of adoption, the referendum question shall be referred to the Common Council for such action as the Council deems appropriate.
- (i) Action taken by the Common Council under this section shall not be subject to the veto power of the Mayor and shall not be repealed or amended within 2 years of adoption except by a vote of the electors. The Common Council may submit a proposition to repeal or amend the referendum question at any election. *Ord. 2008-04 adopted 6/9/2008.*

CHAPTER 2

Mayor; Common Council

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2-2-19	Reconsideration of Questions
2-2-20	Call for the Previous Question
2-2-21	Amendment of Rules
2-2-22	Suspension of Rules

SEC. 2-2-1 COMMON COUNCIL.

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

State Law Reference: Section 62.11, Wis. Stats.

SEC. 2-2-2 ALDERMEN.

- (a) **Election, Term, Number.** The City shall have seven (7) Aldermen in addition to the Mayor, who is a member of the Common Council by virtue of his office as Mayor. The seven (7) Aldermen shall constitute the Common Council. There shall be one (1) Alderman elected from each of the even-numbered aldermanic districts at the annual spring election in the even-numbered years. There shall be one (1) Alderman elected from each of the odd-numbered aldermanic districts in the odd-numbered years at the annual spring election. The regular term of office of Aldermen shall be two (2) years and shall commence on the third Tuesday of April following their election.
- (b) **Appointment as Mayor.** An Alderman shall be eligible for appointment as Mayor to fill an unexpired term.

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

SEC. 2-2-3 MAYOR.

- (a) **Election.** The regular term of the Mayor shall be two (2) years, with elections in even-numbered years.
- (b) **Duties.**
- (1) The Mayor shall be the Chief Executive officer of the City. He shall take care that City ordinances and the State Statutes are observed and enforced and that all City officers and employees discharge their duties.
 - (2) The Mayor shall, from time to time, provide the Council such information and recommend such measures as he may deem advantageous to the City. When present, he shall preside at the meetings of the Council.
 - (3) The Mayor shall review the development of the City budget.
 - (4) The Mayor shall provide direction for the City's economic development and other long-range plans.
 - (5) The Mayor shall analyze and interpret federal, state and county legislation to determine its impact on the City.
 - (6) The Mayor shall have such other duties and responsibilities as are prescribed in the Wisconsin Statutes and this Code of Ordinances.
- (c) **Veto Power.** He shall have the veto power as to all acts of the Council except such as to which it is expressly or by necessary implications otherwise provided. All such acts shall be submitted to him by the City Clerk and shall be enforced upon his approval, evidenced by his signature, or upon his failing to approve and disapprove within five (5) days, which fact shall be certified thereon by the Clerk. If the Mayor disapproves, he shall file his objection with the Clerk, who shall present it to the Council at its next meeting. A two-thirds (2/3) vote of all the members of the Council shall be necessary to make the act effective, notwithstanding the objection of the Mayor.

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

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

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

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

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

- (a) **Standing Committees.** At the organizational meeting of the Common Council in each year following the annual election, the Mayor shall appoint three (3) Alderperson to the following standing committees, following confirmation by the Common Council:
- (1) Finance Committee.
 - (2) Legal Affairs Committee.
 - (3) Public Works Committee.
 - (4) Personnel Committee.
 - (5) Property Committee.
 - (6) Youth and Recreation Committee.
 - (7) Community Development Committee.

In addition to the three Alderpersons appointed above, the Mayor may at the organizational meeting each year appoint additional Alderperson to serve when one or two regular committee members are absent. *Ord. 2016-08 adopted 7/25/2016.*

(b) **Committee Appointments.**

- (1) The Mayor shall designate the chairperson of each standing committee. All committee appointments, except designation of chairperson, shall be subject to confirmation by a majority vote of the Council. Each member shall serve as appointed unless excused by a majority of the members of the Council. All Aldermen shall serve on at least one (1) standing committee. The Mayor shall be an ex officio member of each standing committee.
- (2) The Mayor may declare the entire Council a committee of the whole for informal discussion at any meeting or for any other purpose and shall, ex officio, be chairman of the same.
- (3) The Mayor may, from time to time, appoint such special committee or committees as may be deemed advisable or as provided for by motion or resolution stating the number of members and object thereof to perform such duties as may be assigned to them.

(c) **Committee Reports.**

- (1) All ordinances, resolutions, communications and other matters submitted to the Council may be read by title and author and referred to the appropriate committee by the Mayor without motion, unless objected to by a Council member. The City Clerk shall read and record each such reference by title. Any Alderman may require the reading in full of any matter at any time it is before the Council.
- (2) Each committee shall, at the next regular Council meeting, submit a verbal report on all matters referred to it unless a longer time be granted by vote of the Council. Such report shall recommend a definite action on each item and shall be approved by a majority of the committee. Any committee may require any City officer or employee to confer with it and supply information in connection with any matter pending before it. Minority reports may be submitted.
- (3) Resolutions, ordinances and committee recommendations will be placed on the agenda for Council action only if they are submitted to the City Clerk no later than noon on the Friday preceding the meeting at which action is requested.

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

- (a) **General.** The Common Council shall be vested with all the powers of the City not specifically given some other officer. Except as otherwise provided by law, the Common Council shall have the management and control of the City property, finances, highways, streets, navigable waters and the public service, and shall have the power to act for the government and good order of the City, for its commercial benefit and for the health, safety, welfare and convenience of the public, and may carry its powers into effect by license, regulation, suppression, borrowing, taxation, special assessment, appropriation, fine, imprisonment and other necessary or convenient means. The powers hereby conferred shall be in addition to all other grants and shall be limited only by express language.
- (b) **Acquisition and Disposal of Property.** The Common Council may acquire property, real or personal, within or without the City, for parks, libraries, historic places, recreation, beautification, streets, waterworks, sewage or waste disposal, harbors, improvement of watercourses, public grounds, vehicle parking areas and for any other public purpose; may acquire real property within or continuous to the City by means other than condemnation, for industrial sites; may improve and beautify the same; may construct, own, lease and maintain buildings on such property for instruction, recreation, amusement and other public purposes; and may sell and convey such City-owned property except dedicated, platted parks.
- (c) **Acquisition of Easements and Property Rights.** Confirming all powers granted to the Common Council and in furtherance thereof, the Council is expressly authorized to acquire by gift, purchase or condemnation under [Ch. 32, Wis. Stats.](#), any and all property rights in lands or waters, including rights of access and use, negative or positive easements, restrictive covenants, covenants running with land, scenic easements and any rights for use of property of any nature whatsoever, however denominated, which may be lawfully acquired for the benefit of the public or for any public purpose,

including the exercise of powers granted [under Sections 61.35 and 62.23, Wis. Stats.](#); and may sell and convey such easements or property rights when no longer needed for public use or protection.

- (d) **City Finances.** The Common Council may levy and provide for the collection of taxes and special assessments; may refund any tax or special assessment paid, or any part thereof when satisfied that the same was unjust or illegal; and generally may manage the City finances.
- (e) **Construction of Powers.** Consistent with the purpose of giving to cities the largest measure of self-government in accordance with the spirit of the home rule amendment to the Constitution, the grants of power to the Common Council in this Section and throughout this Code of Ordinances shall be liberally construed in favor of the rights, powers and privileges of cities to promote the general welfare, peace, good order and prosperity of the City and its inhabitants.

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

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

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

[State Law Reference: Sec. 66.0301, Wis. Stats.](#)

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

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

[State Law Reference: Sec. 62.11, Wis. Stats.](#)

SEC. 2-2-9 SALARIES.

The Mayor shall receive a monthly salary of Three Hundred Dollars (\$300.00) plus Twenty-five Dollars (\$25.00) per noticed meeting attended, and Aldermen shall receive Twenty-five Dollars (\$25.00) per noticed meeting attended of the Council or its Committees, Boards or Commissions; or, for attending meetings of other groups or organizations as designated liaisons of the City.

Effective April 18, 2023, newly elected and newly appointed members of the Council will receive Fifty Dollars (\$50.00) per noticed meetings attended of the Council or its Committees, Boards or Commissions; or, for attending meetings of other groups or organizations as designated liaisons of the City. Effective April 18, 2023, non-elected members of committees, boards or commissions will receive Fifty Dollars (\$50.00) per noticed meetings. The City Clerk shall maintain a meeting attendance record. *Ord. 2022-01 adopted 10/24/2022.*

[State Law Reference: Sec. 62.09\(6\), Wis. Stats.](#)

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

- (a) **Annual Organization Meeting.** Following a regular City election, the Common Council shall meet on the next scheduled Council meeting for the purpose of organization.
- (b) **Regular Meetings.** Regular meetings of the Common Council shall be held on the second and fourth Monday of each calendar month, at the hour of 5:15 p.m. Any regular meetings falling on a legal holiday shall be held on the next following secular day, at the same hour and place, or as

otherwise designated by majority vote of the Common Council. All meetings of the Council shall be held in the Ladysmith City Hall, including special and adjourned meetings, unless another location is designated by the Common Council at a previous meeting. *Ord. 2018-03 adopted 5/14/18.*

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

SEC. 2-2-11 SPECIAL MEETINGS.

Special meetings may be called by the Mayor upon written notice of the time and purpose thereof to each member of the Council delivered to him personally or left at his usual place of abode at least two (2) hours before the meeting. The City Clerk shall cause an affidavit of service of such notice to be filed in his office prior to the time fixed for such special meetings.

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

SEC. 2-2-12 OPEN MEETINGS.

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

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

SEC. 2-2-13 QUORUM.

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

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

SEC. 2-2-14 PRESIDING OFFICERS.

- (a) **Presiding Officer.** The Mayor shall preside over all meetings of the Common Council. In the absence of the Mayor, the President of the Council shall preside and, during the absence or inability of the Mayor, shall have the powers and duties of the Mayor, except that he shall not have power to approve an act of the Council which the Mayor has disapproved by filing an objection with the Clerk. He shall, when so officiating, be styled "Acting Mayor." In the absence of both the Mayor and the President of the Council, the Clerk shall call the meeting to order and preside until the Council shall, by motion, select a president pro tem for that night. The "Acting Mayor" shall have voting rights as provided in Section 2-2-4.

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

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

SEC. 2-2-15 ORDER OF BUSINESS.

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

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

- (a) **Ordinances to be in Writing.** All ordinances submitted to the Council shall be in writing and shall begin with a brief statement of the subject matter and a title. Any written material introduced may be referred to the appropriate committee pursuant to Section 2-2-5. Any member of the Council may require the reading in full of any ordinance or resolution at any time it is before the Council.
- (b) **Required Hearings.** Public hearings shall be held on matters required by Wis. Stats. Public notice of such hearings shall be given not less than one week in advance of the hearing with the number of insertions to be as required by Wis. Stats. *Ord. 2016-10 adopted 9/26/2016.*
- (c) **Optional Hearings.** The Common Council may also hold Public Hearings on other matters it chooses to. *Ord. 2016-10 adopted 9/26/2016.*
- (d) **Subject and Numbering of Ordinances.** Each ordinance shall be related to no more than one (1) subject. Amendment or repeal of ordinances shall only be accomplished if the amending or repealing ordinance contains the number and title of the ordinance to be amended or repealed, and title of amending and repealing ordinances shall reflect their purpose to amend or repeal.
- (e) **Notice.**
- (1) The Common Council may take action on an ordinance only if it appears on the written agenda for the meeting at which it is requested.

- (2) Ordinances will be placed on the agenda for Council action only if they are submitted in written form to the Administrator-Dep. Clerk or other person preparing the agenda not later than noon on the Wednesday prior to the meeting at which action is requested. *Ord. 2016-07 adopted 7/25/2016.*
- (f) **Disposition of Petitions, Communication, Etc.** Every petition, agenda item or other writing of any kind, addressed to the Council, the Clerk or other City officer for reference to the Common Council, not later than noon on the Wednesday prior to the meeting at which the item is to appear on the agenda. Every such petition or other writing and every paper, communication or other proceeding which shall come before the Council for action may be referred by the Mayor or presiding officer, unless objected to by a member of the Council. *Ord. 2016-07 adopted 7/25/2016.*
- (g) **Committees, Boards, Commissions, Joint Bodies and all other bodies not the Common Council.** Any petition, writing, agenda item or other matter submitted to any Board, Committee, Commission, Joint Body, or other Body other than the Common Council shall be submitted to the Deputy Clerk, Clerk or other meeting notice preparer no later than the close of business at least 2 days prior to the meeting of the appropriate Body. *Ord. 2016-07 adopted 7/25/2016.*

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

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

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

SEC. 2-2-18 CONDUCT OF DELIBERATIONS.

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

- (a) **Addressing Chair.** No Alderman or other City officer shall address the Council until he has been recognized by the presiding officer. He shall thereupon address himself to the presiding officer and confine his remarks to the question under discussion.
- (b) **Recognition.** When two (2) or more members simultaneously seek recognition, the presiding officer shall name the member who is to speak first.
- (c) **Addressing Council.** No person other than a member shall address the Council except under order of business, except that citizens may address the Council with the permission of the presiding officer as to matters which are being considered by the Council at the time.
- (d) **Motions.** No motion shall be discussed or acted upon unless and until it has been seconded. No motion shall be withdrawn or amended without the consent of the person making the same and the person seconding it.
- (e) **Mayor's Vote.** The Mayor shall not vote except in the case of a tie. When the Mayor does vote in case of a tie, his vote shall be counted in determining whether a sufficient number of the Council has voted favorably or unfavorably on any measure. A majority vote of all members of the Council in favor of any proposed ordinance, resolution or appointment shall be necessary for passage or approval, unless a larger number is required by State Statute. Except as otherwise provided, a majority vote of those present shall prevail in other cases.
- (f) **Action on Questions.** When a question is under discussion, no action shall be in order except:
- (1) To adjourn.

- (2) To lay on the table.
- (3) The previous question.
- (6) To postpone to a certain day.
- (7) To refer to a committee.
- (6) To amend.
- (7) To postpone indefinitely.

These motions shall have precedence in the order listed.

- (g) **Vote on Main Question.** Any member desirous of terminating the debate may move the previous question, in which event the Mayor shall announce the question as "Shall the main question now be put?" If a majority of the members present vote in the affirmative, the main question shall be taken without further debate, its effect being to put an end to all debate and bring the Council to a direct vote, first upon any pending amendments and then upon the main question.
- (h) **Voting.** The "ayes" and "noes" may be requested by any member. On confirmation and on the adoption of any measure assessing or levying taxes, appropriating or disbursing money, or creating any liability or charge against the City or any fund thereof, the vote shall be by "ayes" and "noes." Whenever a roll call is required by law or called for by a member, the Clerk shall call the roll in numerical order of the aldermanic districts, except that the Clerk shall rotate the numerical order so the member voting first shall be called last on the next succeeding vote.
- (i) **Nondebatable Motions.** A motion to adjourn shall always be in order. A motion to adjourn, lay on the table and a call for the previous question shall be decided without debate.

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

SEC. 2-2-19 RECONSIDERATION OF QUESTIONS.

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

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

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

SEC. 2-2-21 AMENDMENT OF RULES.

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

SEC. 2-2-22 SUSPENSION OF RULES.

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

CHAPTER 3**Municipal Officers and Employees**

2-3-1	General Provisions
2-3-2	City Officers
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2-3-4	City Clerk
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2-3-19	Combination of Appointive Offices
2-3-20	Rule Making Authority

SEC. 2-3-1 GENERAL PROVISIONS.

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

[State Law Reference: Sections 62.09\(7\) and 62.115, Wis. Stats.](#)

SEC. 2-3-2 CITY OFFICERS.

- (a) **Enumerated.** In addition to the Mayor and one (1) Alderman from each aldermanic district in the City, the officers of the City shall be the:
- (1) City Administrator.
 - (2) City Clerk.
 - (3) City Treasurer.
 - (4) City Attorney.
 - (5) City Assessor.
 - (6) Chief of Police.
 - (7) City Comptroller.
 - (8) Director of Public Works.
 - (9) Chief of Fire Department.
 - (10) Health Officer.
 - (11) Weed Commissioner.
 - (12) Building Inspector.
 - (13) Members of Boards and Commissions.
- (b) **Method of Selection; Duties.** The Mayor and Aldermen shall be elected by the voters. All other officers, excepting those for which other special provision is made, shall be appointed by the Mayor, subject to confirmation by the Common Council, with an indefinite term of office. The Police Chief and Fire Chief shall be appointed by the Police and Fire Commission.

SEC. 2-3-3 CITY ADMINISTRATOR.

- (a) **Office Created.** In order to provide the City of Ladysmith with a more efficient, economical, coordinated, responsible and responsive municipal government under a system of part-time Mayor and part-time Aldermen and at a time when municipal government is becoming increasing complex, the position of City Administrator is created.
- (b) **Appointment, Removal.** The City Administrator shall be appointed by the Mayor, subject to confirmation by a two-thirds (2/3) vote of the Common Council. Unless otherwise provided for by written agreement, the City Administrator shall serve at the pleasure of the Common Council for an indefinite term, subject to removal by a two-thirds (2/3) vote of the Common Council.
- (c) **Duties and Responsibilities.** The City Administrator shall serve as the Chief Administrative Officer of the City of Ladysmith, responsible to and under the general direction and policy of the Mayor and Common Council and shall be responsible to the Mayor for proper administration of all activities of the City. To this end, the City Administrator shall have the following powers and duties:
- (1) Carry out all actions and directives of the Common Council which require administrative implementation or where the Mayor and/or Common Council have so directed.
 - (2) Direct, coordinate and expedite the activities of all City departments, except where such authority is vested by Wisconsin Statute or Municipal Code in boards, commissions or other City officers.
 - (3) Supervise the preparation and administration of the annual operating and capital budgets in accordance with such guidelines as may be provided by the Common Council and in coordination with all department heads, the Finance committee and the Mayor. *Rev. 12/00.*
 - (4) Supervise the purchase of all materials, supplies and equipment for which funds are provided in the budget; let contracts necessary for operation or maintenance of City services for amounts up to and including Five Thousand Dollars (\$5,000.00); receive bids or proposals for purchases or contracts in excess of Five Thousand Dollars (\$5,000.00) for presentation to the Common Council for approval unless the taking of bids is waived by the Council.
 - (5) Assist the Building Inspector in carrying out the additional duties of Zoning Administrator and serve as staff to the City's Planning Commission and Board of Zoning Appeals.
- Rev. 12/00.*

- (6) Advise the City as to grant funding which may be available to augment the City's finances and coordinate the preparation of resultant applications between such consultants, agencies, and other entities as may be involved in order to secure assistance when appropriate. *Rev. 12/00.*
- (7) Act as public relations officer and government affairs officer, taking the lead in preparation with other units of government.
- (8) Prepare reports and recommendations for the Mayor, the Common Council and advisory boards and commissions on operational or policy matters before them and on any other actions necessary to improve the overall health, safety and welfare of the City of Ladysmith.
- (9) Submit as deemed necessary recommendations or suggestions for improving the health, safety or welfare of the City and shall institute and operate a system whereby City departments, as well as persons having business with the Mayor and/or Council or any City department, may properly and efficiently conduct such business.
- (10) Establish and maintain procedures to facilitate communication between citizens and City government to assure that complaints, grievances, recommendations and other matters receive prompt attention and to assure that all such matters are expeditiously resolved.
- (11) Promote the economic well-being and growth of the City through public and private sector cooperation, including serving as staff for the Ladysmith Industrial Development Corp. *Rev. 12/00.*
- (12) Serve as Deputy City Clerk, performing the duties of City Clerk in that official's absence.

SEC. 2-3-4 CITY CLERK.

- (a) **Appointment.** The City Clerk shall be appointed for an indefinite term of office by the Mayor, upon the recommendation of the City Administrator, subject to confirmation by the Council.
- (b) **Duties.** The City Clerk shall be responsible for performing those duties required by [Sec. 62.09\(11\), Wis. Stats.](#), and for the following additional duties:
 - (1) Perform all election duties as required by Wisconsin Statutes and keep and maintain all election records and all property used in conjunction with holding of elections;
 - (2) Publish all legal notices unless otherwise provided, file and preserve all contracts, bonds, oaths of office and other documents not required to be filed elsewhere;
 - (3) Issue all licenses required by ordinance or statute, except as otherwise provided;
 - (4) Prepare the tax roll and tax notices required by the State of Wisconsin;
 - (5) Attend meetings, take minutes and maintain files for the Common Council and such other official boards and commissions as may be directed;
 - (6) Maintain a file on all City records, ordinances, resolutions and vouchers;
 - (7) Type and distribute reports for the Council and for federal and state agencies;
 - (8) Audit and obtain approval on claims charged against the City;
 - (9) Assist the City Assessor in maintaining property assessment records;
 - (10) Administer oaths and affirmations;
 - (11) Issue licenses to various vendors in City;
 - (12) Perform other duties as may be required by the City Administrator and Common Council.
 - (13) Manage and/or assist with Utility Billing, Cemetery, Payroll, Real Estate Tax, and Municipal Court programs. *Rev. 12/00.*
- (c) **Bond.** The Council does not require any or all of these officials to execute and file an official bond. In lieu of the bond, the City's insurance policy includes an Employee Dishonesty Endorsement that covers such officials according to Wis. Statute 62.09(4)(b). *Ord. 2018-08 adopted on 11/12/2018.*

[State Law Reference: Sec. 62.09\(11\), Wis. Stats.](#)

SEC. 2-3-5 CITY COMPTROLLER.

- (a) **Appointment.** The City Comptroller shall be appointed for an indefinite term of office by the Mayor, upon recommendation of the City Administrator, subject to confirmation by the Council. Persons considered for appointment must:
- (1) Have a minimum of a B.A. degree in accounting with related public administration education and at least four (4) years of governmental office experience or a combination of education and experience with a focus on accounting, budgeting and investments.
 - (2) Maintain a thorough knowledge of fund accounting, budgeting, investments.
 - (3) Have a good knowledge of office equipment, computers and related software.
 - (4) Have excellent math skills, be accurate and require minimal supervision.
 - (5) Have ability to work well with the public.
 - (6) Have schooling and extensive experience in a complete accounting environment.
 - (7) Have knowledge of budgeting and investments.
 - (8) Be hard working; be able to learn new duties quickly, and work independently with minimal supervision.
- (b) **Duties.** The City Comptroller shall be responsible for performing those duties required by Sec. 62.09(10), Wis. Stats., and for the following additional duties:
- (1) Prepare annual operating budget for City, perform journal and adjusting entries, balance all funds and cash accounts on a monthly basis.
 - (2) Prepare all financial reports as requested, develop and maintain financial records in preparation for annual audits.
 - (3) Prepare and balance taxroll and maintain special assessment records.
 - (4) Report to all Department Heads all relative financial and budgetary information necessary for day to day operations and track budget revenue/expenditures.
 - (5) Investigate, develop, and maintain investment options for City funds and maintain detailed records of such options.
 - (6) Work closely with City departments in determining borrowing and/or funding needs for City projects and complete the same.
 - (7) Perform a variety of duties as requested by the City's Common Council.
 - (8) Develop and maintain A/P and A/R systems and processing guidelines.
 - (9) Develop and maintain internal control procedures.

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

SEC. 2-3-6 CITY TREASURER.

- (a) **Appointment.** The City Treasurer shall be appointed for an indefinite term of office by the Mayor, upon recommendation of the City Administrator, subject to confirmation by the Council.
- (b) **Duties.** The City Treasurer shall be responsible for performing those duties required by [Sec. 62.09\(9\), Wis. Stats.](#), and for the following additional duties:
- (1) Perform recordkeeping, billing, collections, banking, investments, accounting and financial reporting of all City operations;
 - (2) Develop and implement internal control and financial reporting procedures as necessary or as requested;
 - (3) Collect all taxes for the City and other taxing bodies;
 - (4) Invest idle funds for maximum interest earnings;
 - (5) Prepare monthly receipts and disbursements report;
 - (6) Maintain payroll records and prepare payroll checks from approved employee time sheets;
 - (7) Prepare check vouchers for payment of approved claims for signature of the Mayor and City Clerk;
 - (8) Prepare financial and bank statements;
 - (9) Issue purchase orders;
 - (10) Maintain fiscal records for the City;

- (11) Perform other duties as may be directed by the City Administrator and Common Council.
- (c) **Bond.** The Council does not require any or all of these officials to execute and file an official bond. In lieu of the bond, the City's insurance policy includes an Employee Dishonesty Endorsement that covers such officials according to Wis. Statute 62.09(4)(b). *Ord. 2018-08 adopted on 11/12/2018.*

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

SEC. 2-3-7 CITY ATTORNEY.

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

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

SEC. 2-3-8 CHIEF OF POLICE.

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

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

SEC. 2-3-9 FIRE CHIEF.

- (a) **Appointment.** The Fire Chief shall be appointed by the Police and Fire Commission pursuant to [Sec. 62.13 \(3\), Wis. Stats.](#) The Police and Fire Commission shall take into consideration the recommendation of the members of the Fire Department when appointing a Fire Chief. The Fire Chief may receive a salary to be determined by the Common Council. The subordinate officers and members of said Fire Department shall be volunteers and may receive compensation.
- (b) **Duties and Powers.** The Chief shall have general supervision of the Fire Department. The Chief shall be present at fires and command all firefighting operations. The Chief shall enforce or cause to be enforced all fire prevention ordinances, laws and regulations of the City and State. The Fire Chief may make such further rules, regulations and policies for the government of the Fire Department as he/she may deem necessary, provided such rules and regulations shall not be inconsistent with the laws of the State of Wisconsin.
- (c) **Reports of Chief.** The Fire Chief shall report to the Police and Fire Commission from time to time at his/her discretion or upon the request of said Police and Fire Commission on matters concerning departmental matters and shall perform such other duties in conformance with his office as may, from time to time, be required of him by the Common Council.
- (d) **Disciplinary Authority.** The Chief shall have the disciplinary power to suspend any officer or member for neglect or refusal to perform his departmental duty, subject to the right of such suspended officer or member to public hearing thereon before the Board of Police and Fire Commissioners pursuant to law.

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

SEC. 2-3-10 ASSESSOR.

- (a) The City of Ladysmith hereby elects not to be governed by those portions of [Sec. 62.09\(3\)\(b\), Wis. Stats.](#), relating to the method of selection of the City Assessor which are in conflict with this Section. The City Assessor shall be appointed by the Mayor, for an indefinite term of office, upon recommendation of the City Administrator, subject to confirmation by the Council. A corporation or an independent contractor may be appointed as the City Assessor. The corporation or independent contractor so appointed shall designate the person responsible for the assessment. The designee shall file the official oath under [Sec. 19.01, Wis. Stats.](#), and sign the affidavit of the Assessor attached to the assessment roll under [Sec. 70.49, Wis. Stats.](#) No person may be designated by any corporation or independent contractor unless he has been granted the appropriate certification under [Sec. 73.09, Wis. Stats.](#) For purposes of this Subsection, "independent contractor" means a person who either is under contract to furnish appraisal and assessment services or is customarily engaged in an independently established trade, business or profession in which the services are offered to the general public.
- (b) The Assessor shall have those duties and responsibilities as provided by State law.
- (c) The City Assessor may also serve as City Building Inspector. *Ord. 2009-04 adopted 10/12/2009*
- (d) Whenever the Assessor, in the performance of the Assessor's duties, requests or obtains income and expense information that is provided to the Assessor shall be held by the Assessor on a confidentiality basis, except, however, that the information may be revealed to and used by persons in the discharging of duties imposed by law; in the discharge of duties imposed by office (including, but not limited to, use by the Assessor in performance of official duties of the Assessor's office and use by the Board of Review in performance of its official duties); or pursuant to order of a court. Income and expense information provided to the Assessor under Section 70.47(7)(af), unless a court determines that it is inaccurate, is, per Section 70.47(af), not subject to the right of inspection and copying under Section 19.35(1), Wis. Stats. *Ord. 2017-01 adopted 6/12/2017.*
- (e) **Severability.** The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly

specified in the decision, and shall not affect the validity of any other provision, section or portions thereof of the ordinance. The remainder of the ordinance shall remain in full force and effect. Any other ordinances whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict. *Ord. 2017-01 adopted on 6/12/2017.*

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

SEC. 2-3-11 HEALTH OFFICER.

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

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

SEC. 2-3-12 BUILDING INSPECTOR.

- (a) **Appointment.** The Building Inspector shall be appointed by the Mayor, upon the recommendation of the City Administrator, subject to Common Council confirmation. The Building Inspector shall have an indefinite term of office. He/she shall be certified by the State of Wisconsin.
- (b) **Duties.** The Building Inspector shall have the following duties:
 - (1) Review plans and applications for building permits.
 - (2) Issue permits for new construction, remodeling and demolition of buildings.
 - (3) Inspect foundations, frames, roofs, etc., to assure that they meet the requirements of the building code.
 - (4) Inspect existing units of dwelling and commercial buildings for zoning occupancy, housing, plumbing, electrical, heating, ventilating, air conditioning and energy code compliance.
 - (5) Recommend and advise the public and contractors on code compliance.
 - (6) Issue orders to correct discrepancies and code violations.
 - (7) Consult with builders, owners and members of the public pertaining to the City codes and ordinances.
 - (8) Report on the status of code enforcement activity to the Council.
 - (9) Perform other duties as may be directed by the Common Council.

- (c) **Right of Entry.** The Building Inspector or his deputies shall have the power to make or cause to be made an entry into any building or premises where the work of altering, repairing or constructing any building or structure is going on, including plumbing and electrical work.

SEC. 2-3-13 DIRECTOR OF PUBLIC WORKS.

- (a) **Appointment.** The Director of Public Works shall be appointed by the Mayor, upon the recommendation of the City Administrator, subject to confirmation by the Council. The Director of Public Works shall have an indefinite term of office.
- (b) **Duties.** The Director of Public Works shall have the following duties:
- (1) Plan, direct and inspect the repair and maintenance of streets, curbs and gutters, sidewalks, street lights, street trees.
 - (2) Plan, direct and inspect the maintenance of parks, including grass cutting, playground equipment installation or repair and building maintenance.
 - (3) Supervise plowing of snow and all phases of snow and ice control on City streets, alleys, sidewalks and public parking lots.
 - (4) Supervise the operation of the municipal garage and the repair and maintenance of City-owned vehicles and equipment.
 - (5) Schedule the daily and weekly jobs of the Public Works Department employees and make necessary modifications due to emergencies.
 - (6) Administer operation of City utilities.
 - (7) Perform such other duties as prescribed by the City Administrator and Common Council.

SEC. 2-3-14 WEED COMMISSIONER.

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

SEC. 2-3-15 MUNICIPAL JUDGE; MUNICIPAL COURT - Ord. 97-07; Adopted 07-14-97.

- (a) **Established.** Pursuant to the authority granted by [Ch. 755, Wis. Stats.](#), there is hereby established a Municipal Court for the City of Ladysmith.
- (b) **Office of Municipal Judge Created.** Pursuant to the authority granted by [Ch. 755, Wis. Stats.](#), there is hereby created the office of Municipal Judge for the Municipal Court for the City of Ladysmith. Mid-term vacancies in the office of the Municipal Judge shall be filled by special election to be held not less than fifty-five (55) nor more than seventy (70) days after the order of the Council therefore.
- (c) **Election; Term.** The Municipal Judge shall be elected at large at the spring election on the even-numbered years for a term of four (4) years commencing on May 1 succeeding the election. The Municipal Judge shall be subject to the Wisconsin Code of Judicial Ethics and shall file an annual financial statement. *Ord. 2011-08 adopted on 10/10/2011.*
- (d) **Salary.** The salary of the Municipal Judge may be increased for a new term prior to the beginning of the term for the Judge, or for the second year of a term before the start of the second year of the term of the Judge, but the salary shall not be decreased during the term of the Judge. Salaries may be paid annually or in equal installments as determined by the Common Council, but no Judge may be paid a salary for that portion of any term during which portion the Judge has not executed the official bond or official oath as required by [Sec. 755.04, Wis. Stats.](#), and filed under [Sec. 19.01\(4\)\(c\), Wis. Stats.](#), as amended. The salary shall be as established by the Common Council.
- (e) **Bond; Oath.** The Municipal Judge shall execute and file with the Clerk of Circuit Court of the County the oath prescribed by [Sec. 755.03, Wis. Stats.](#) The Council does not require any or all of these officials to execute and file an official bond. In lieu of the bond, the City's insurance policy

includes an Employee Dishonesty Endorsement that covers such officials according to Wis. Statute 755.03(1). *Ord. 2018-08 adopted on 11/12/2018.*

- (f) **Jurisdiction.** The Municipal Judge shall have jurisdiction as provided by law and [Sec. 755.045, Wis. Stats.](#), and exclusive jurisdiction of violations of City ordinances and resolutions.
- (g) **Procedure in Municipal Court.**
- (1) The Municipal Judge shall keep his/her office and hold court in the Ladysmith City Hall.
 - (2) If the Municipal Judge is temporarily absent, sick, or disabled, the provisions of [Sec. 800.06\(1\), Wis. Stats.](#), shall apply, and if the Municipal Judge becomes incompetent, unable, or fails to act, or in the event of a vacancy, the provisions of [Sec. 800.06\(2\), Wis. Stats.](#), shall apply. Any substitute Municipal Judge designated or assigned hereunder shall be compensated as authorized by the Common Council. The Municipal Judge shall satisfy all continuing education requirements for Municipal Judges.
 - (3) Upon the proper and timely written request for substitution of the Municipal Judge, the provisions of [Sec. 800.05, Wis. Stats.](#), shall apply.
 - (4) The procedure in Municipal Court for the City shall be as provided by this Section and State law, including, without limitation because of enumeration, [Chs. 300, 755, 800, and Sec. 23.66 to Sec. 23.99, 288.14, 288.18 and 345.20 to 345.53, Wis. Stats.](#) The Court shall abide by the Wisconsin Rules of Evidence and shall abide by the Uniform State Traffic Deposit Schedule. In non-traffic matters, the Municipal Judge shall draft a bond schedule, which shall become effective upon approval by the Common Council. No bond shall exceed the maximum penalty which could be imposed for the ordinance violation.
- (h) **Fees.**
- (1) Bonds for appearance, partial payments, and other funds collected by the Court shall be treated as escrow funds and deposited with the City Treasurer.
 - (2) The Clerk of the Municipal Court shall collect all forfeitures and costs in any action or proceeding before him/her and shall pay over such moneys to the City Treasurer not later than the seventh (7th) business day succeeding his/her receipt thereof. At the time of payment, the Municipal Court Clerk shall report to the City Treasurer the title of the action, the offense for which the forfeiture was imposed and the total amount of the forfeiture, fees, penalty assessments and costs, if any. The City Treasurer shall disburse the fees as provided in [Sec. 814.65\(1\), Wis. Stats.](#), and disburse any penalty assessment pursuant to [Sec. 66.0114\(1\)\(b\), Wis. Stats.](#)
- (i) **Council May Abolish Municipal Court.** The Common Council may, by ordinance or by law, abolish the Municipal Court at the end of any term for which the Judge has been elected.
- (j) **Statutes Adopted by Reference.** [Chapters 755 and 800, Wis. Stats.](#), are hereby adopted by reference.
- (k) **Contempt of Court.**
- (1) The Municipal Judge may punish for contempt of Municipal Court for the City of Ladysmith persons guilty of either of the following acts:
 - a. Intentional misconduct in the presence of the court which interferes with a court proceeding or with the administration of justice, or which impairs the due respect for the Court.
 - b. Intentional disobedience, resistance or obstruction of authority, process or order of the Municipal Court.
 - (2) No person may be punished for contempt before a Municipal Judge until an opportunity has been given the person to be heard in his or her defense. If the contempt alleged involves disrespect or criticism of a Municipal Judge, that judge is disqualified from presiding at the trial. For the purpose of hearing a person's defense, the Municipal Judge may, if the alleged defendant does not appear for trial, issue a warrant for the person to be brought before the Municipal Judge.
 - (3) The Municipal Judge may, upon finding any person guilty of contempt, under the provisions of [Sec. 800.12, Wis. Stats.](#), order such person to forfeit not more than Fifty Dollars (\$50.00) plus the penalty assessment, and the jail assessment. Upon non-payment of a forfeiture or

assessment, a defendant may be sentenced for commitment to the Rusk County jail at the rate of \$25.00 per day until the forfeiture is satisfied. *Rev. 12/00.*

(1) Stipulations and Deposits in Municipal Court.

- (1) The Municipal Judge shall establish and submit to the Council for approval a schedule of deposits, or “Bond Schedule” for violations of City ordinances, resolutions and bylaws, except traffic regulations, which are governed by [Chap. 346, Wis. Stats.](#) When approved by the Council, such deposit schedule shall be posted in the office of the Municipal Court Clerk and the City Police Department. *Rev. 12/00.*
- (2) Persons cited for violations of City ordinances, resolutions or bylaws for which a deposit has been established under this Subsection shall be permitted to make stipulation of no contest and a deposit in lieu of court appearance as provided by State law.
- (3) The deposit schedule established by the Wisconsin Board of County Judges and the procedures set forth in [Chapters 23 and 345, Wis. Stats.](#), shall apply to stipulations and deposits for violations of traffic regulations enacted in accordance with [Chap. 346, Wis. Stats.](#)

(m) Court Authority to Impose Alternative Juvenile Dispositions and Sanctions.

- (1) For a juvenile adjudged to have violated an ordinance, a court is authorized to impose any **of** the dispositions listed in [Secs. 938.343 and 938.344, Wis. Stats.](#), in accordance with the provisions of those statutes.
- (2) For a juvenile adjudged to have violated an ordinance who violates a condition of a dispositional order of the court under [Secs. 938.343 or 938.344, Wis. Stats.](#), the Municipal Court is authorized to impose any of the sanctions listed in [Sec. 938.355\(6\)\(d\), Wis. Stats.](#), in accordance with the provisions of statutes.
- (3) This Subsection is enacted under the authority of [Sec. 938.17\(2\)\(cm\), Wis. Stats.](#)

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

SEC. 2-3-16 ELIGIBILITY FOR OFFICE.

- (a) No person shall be elected by the people to a City office who is not, at the time of his/her election, a citizen of the United States and of this State and an elector of the City and, in case of a ward office, of the ward and actually residing therein.
- (b) An appointee by the Mayor requiring confirmation by the Council, who shall be rejected by the Council, shall be ineligible for appointment to the same office for one (1) year thereafter. *Rev. 12/00.*
- (c) No member of the Common Council shall, during the term for which he/she is elected, be eligible for any office or position which, during such term, has been created by, or the selection to which is vested in, the Council, provided that Aldermen may represent the City on boards or commissions where no additional remuneration is paid, except as otherwise provided by the laws of the State of Wisconsin.

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

SEC. 2-3-17 CUSTODY OF OFFICIAL PROPERTY.

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

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

SEC. 2-3-18 OATH OF OFFICE; BONDS OF OFFICERS.

- (a) **Oath.** Every person elected or appointed to any statutory office or the Police and Fire Commission shall take and file his official oath within ten (10) days after the notice of his election or appointment.
- (b) **Bonds.** The Council does not require any or all of these officials to execute and file an official bond. In lieu of the bond, the City's insurance policy includes an Employee Dishonesty Endorsement that covers such officials according to Wis. Status 62.09(4)(b). *Ord. 2018-08 adopted on 11/12/2018.*

SEC. 2-3-19 COMBINATION OF APPOINTIVE OFFICES.

More than one (1) appointive office may be held by the same person when such offices, as so combined, are deemed compatible by the Mayor and Common Council.

SEC. 2-3-20 RULE MAKING AUTHORITY.

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

CHAPTER 4

Boards, Commissions and Committees

2-4-1	Board of Review
2-4-2	Library Board
2-4-3	Board of Health
2-4-4	Board of Appeals
2-4-5	City Planning Commission
2-4-6	Cemetery Board
2-4-7	Ladysmith Housing Authority
2-4-8	Park Board
2-4-9	Commission on Equal Opportunities in Housing
2-4-10	Police and Fire Commission
2-4-11	Tourism Commission
2-4-12	General Provisions Regarding Meetings and Public Notice
2-4-13	Residency Required for Service on Boards or Commissions

SEC. 2-4-1 BOARD OF REVIEW.

- (a) **Members.** The Mayor, City Administrator or designee, Assessor, President of the Council and two (2) Aldermen shall be members of the Board of Review. Said Council members shall be appointed by the Mayor as members of the Board of Review at the first meeting of the new Council after its election each year thereafter, at which time the Mayor also appoints other Committees, Commissions, Boards and other officers for the ensuing twelve (12) months. At least one (1) member of the Board of Review must be state certified. *Rev. 12/00.*
- (b) **Duties.** The duties and functions of the Board of Review shall be as prescribed in [Sections 70.46 and 70.47, Wis. Stats.](#)
- (c) **Board's Duty.** The Board shall carefully examine the assessment roll and correct all apparent errors in description or computation. It shall add all omitted property but shall not raise or lower the assessment of any property except after hearing, as provided by the Statutes.

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

SEC. 2-4-2 LIBRARY BOARD.

- (a) **Organization; Terms.**
- (1) The Library Board shall have seven (7) members, each of whom shall be a resident of Rusk County. Three (3) members shall be appointed by the Mayor and confirmed by the Common Council. Four (4) members shall be appointed by the County Board of Rusk County. The City of Ladysmith and Rusk County will attempt to secure the appointment of one (1), but no more than one (1), member of its governing body to serve as one of its appointed members of the Library Board. At least one (1) of the seven (7) members shall be a school district administrator appointed by the County pursuant to [Sec. 43.54\(1\)\(c\), Wis. Stats.](#)
 - (2) The seven (7) member Board shall be divided into three (3) classes as specified in [Sec. 43.54\(1\)\(b\), Wis. Stats.](#) Members shall serve a three (3) year term and until successors are appointed, provided that if, after such appointment, the appointee changes his residence to a location outside the unit of government which appointed him, the term shall immediately expire and a successor shall be appointed.
 - (3) Vacancies on the Library Board shall be filled by appointment for any unexpired term by the appointing authority in the same manner as original appointments are made.
 - (4) A majority of the members of the Library Board shall constitute a quorum for the transaction of any business at a meeting of the Board, as permitted by [Sec. 43.54\(e\), Wis. Stats.](#)

- (5) The act of a majority of the members present at a meeting at which a quorum is present shall be the act of the Board.
- (b) **Officers.** As soon as practicable after the appointments are made each year, the members of the Library Board shall meet and select a President, Vice President, Secretary, Treasurer, and such other officers as they deem necessary. The President and Vice President shall be members of the Board, but other officers need not be members.
- (c) **Compensation.** No compensation shall be paid to members of the Library Board for their services, but they may be reimbursed in the form of per diem for actual and necessary expenses incurred if so authorized by the respective municipalities which appointed them and also by the Board.
- (d) **Duties and Powers.** The Library Board shall have the duties and powers as prescribed by Chapter 43, Wis. Stats., and by the joint library agreement between the City of Ladysmith and Rusk County.
State Law Reference: Sections 43.54 and 43.58, Wis. Stats.

SEC. 2-4-3 BOARD OF HEALTH (IF ORGANIZED)

- (a) **Composition.** The Board of Health shall consist of four (4) citizens and one (1) Alderman annually appointed by the Mayor, upon the recommendation of the City Administrator, subject to confirmation by the Common Council. Such Board shall be organized as required by the laws of the State and shall have power to appoint a Health Officer who shall hold his office for one (1) year, commencing on the first day of May, and until his successor is qualified. The salary of the Health Officer shall be set annually by the Common Council. The Health Officer shall perform all the duties required of Health Officers by the laws of this State and prepare all reports required by the City Board of Health or the State Board of Health.
- (b) **Officers.** The Board of Health shall elect a Chairman and Secretary.
- (c) **Powers of Appointment.** The Board of Health may appoint persons to aid them.
- (d) **Responsibilities.**
 - (1) The Board of Health shall take such measures as shall be most effectual for the preservation of the public health. It shall be the duty of the Board of Health of the City of Ladysmith to assume the general administration of health and sanitation laws and regulations in the City and to attend to the administration and enforcement of the health laws of the State and the rules and regulations prescribed by the State Board of Health and the ordinances of the City.
 - (2) The Board shall take such measures and make such rules and regulations as shall be necessary and effectual for the preservation and promotion of the public health in the City of Ladysmith. All orders and regulations of the Board shall be published in the official newspaper and, after publication, shall have the force and effect of ordinances, including penalty for violation.

State Law Reference: Sec. 141.015, Wis. Stats.

SEC. 2-4-4 BOARD OF APPEALS.

- (a) **Establishment.** A Zoning Board of Appeals shall be appointed as specified in [Sec. 62.23\(7\)\(e\) of the Wisconsin Statutes](#). The Zoning Board of Appeals shall consist of five (5) members, appointed by the Mayor, for three (3) year terms of office, subject to confirmation by the Common Council. The members shall be compensated as determined by the Council and shall be removable by the Common Council for cause upon written charges and upon public hearing. The Mayor shall designate one of the members as chairman. The Board shall annually, at its first meeting after May 1, elect a secretary who shall keep minutes of the Board's meetings and hearings, as well as maintain the records of the Board. Vacancies shall be filled for unexpired terms of members whose terms become vacant. The Mayor shall appoint, two staggered terms of three (3) years, two (2) alternate members of the Board. The Mayor shall also appoint two (2) alternate members, with one (1) as first alternate and the other as second alternate, each with three (3) year terms of office. The first alternate shall act, with full power, only when a member of the Board refuses to vote because of conflict of interest or when a member is absent. The second alternate shall so act only when the first alternate so refuses or is absent or when more than one (1) member of the Board so refuses or

is absent. The above provisions with regard to removal and the filling of vacancies shall apply to such alternates.

- (b) **Powers.** The Zoning Board of Appeals shall have the following powers:
- (1) To hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination made by an administrative official in the enforcement of the City's zoning ordinances.
 - (2) To hear and decide special exceptions to the terms of City zoning and floodplain zoning regulations upon which the Board of Appeals is required to pass.
 - (3) To authorize, upon appeal in specific cases, such variance from the terms of the City's zoning regulations as will not be contrary to the public interest, where owing to special conditions, a literal enforcement will result in practical difficulty or unnecessary hardship, so that the spirit of the zoning code shall be observed, public safety and welfare secured and substantial justice done; provided, however, that no such action shall have the effect of establishing in any district a use or uses not permitted in such district.
 - (4) To permit the erection and use of a building or premises in any location subject to appropriate conditions and safeguards in harmony with the general purposes of the zoning code, for such purposes which are reasonably necessary for public convenience and welfare.
 - (5) The Zoning Board of Appeals may reverse or affirm wholly or in part or may modify any order, requirement, decision or determination as in its opinion ought to be made regarding the premises. The concurring vote of four (4) members of the Zoning Board of Appeals shall be necessary to reverse any order, requirement, decision or determination appealed from or to decide in favor of the applicant on any matter on which it is required to pass, or to effect any variation in the requirements of the City's zoning ordinances. The grounds of every such determination shall be stated and recorded. No order of the Zoning Board of Appeals granting a variance shall be valid for a period longer than six (6) months from the date of such order unless a zoning permit is obtained within such period and the erection or alteration of a building is started or the use is commenced within such period.
- (c) **Meetings and Rules.** All meetings of the Zoning Board of Appeals shall be held at the call of the chairman and at such other times as the Board may determine. All hearings conducted by the said Board shall be open to the public. The Zoning Board of Appeals shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examination and other official actions, all of which shall be immediately filed in the office of the City Clerk and shall be a public record. The Board shall adopt its own rules of procedure not in conflict with this Section or with applicable Wisconsin Statutes.
- (d) **Offices.** The Common Council shall provide suitable meeting space for holding the Zoning Board of Appeals' hearings.
- (e) **Appropriations.** The Common Council shall appropriate funds to carry out the duties of the Zoning Board of Appeals and the Board shall have the authority to expend, under regular procedures, all sums appropriated to it for the purpose and activities authorized herein.

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

SEC. 2-4-5 CITY PLANNING COMMISSION.

- (a) **Composition.** The Planning Commission shall consist of seven (7) members, with no more than one (1) citizen member from any ward. *Ord. 2000-05, adopted April 20, 2000.*
- (b) **Appointment.** The Mayor, Administrator, Director of Public Works, Building Inspector and one (1) alderperson shall be ex-officio members of the Planning Commission. Seven (7) citizen members shall be appointed by the Mayor and be confirmed by the Common Council. The citizen members shall hold office for staggered three (3) year terms. *Ord. 2015-02 adopted 4/13/2015.*
- (c) **Organization of Commission.** The Planning Commission shall organize by the election of a chairman, vice-chairman, secretary and such other officers as may, in their judgment, be necessary.

- (d) **Record.** The Planning Commission shall keep a written record of its proceedings to include all actions taken, a copy of which shall be filed with the City Clerk. Four (4) members shall constitute a quorum but all actions shall require the affirmative approval of a majority of all of the members of the Commission.
- (e) **Duties.**
- (1) The Master Plan.
- a. The Planning Commission may make, adopt and, as necessary, amend, extend and add to the master plan, subject to Common Council confirmation, for the physical development of the City including areas outside of its boundaries which, in the Planning Commission's judgment, bear relation to the development of the City. The master plan, with the accompanying maps, plats and descriptive and explanatory matter, shall show the Commission's recommendations for such physical development, and may include, among other things without limitation because of enumeration, the general location, character and extent of streets, highways, freeways, street grades, roadways, walks, parking areas, public places and areas, parks, parkways, playgrounds, sites for public buildings and structures, and the general location and extent of sewers, water conduits and other public utilities whether privately or publicly owned, the acceptance, widening, narrowing, extension, relocation, removal, vacation, abandonment or change of use of any of the foregoing public ways, grounds, places, spaces, buildings, properties, utilities, routes or terminals, the general location, character and extent of community centers and neighborhood units, and a comprehensive zoning plan.
- b. The Commission may adopt the master plan as a whole by a single resolution, or, as the work of making the whole master plan progresses, may from time to time by resolution adopt a part or parts thereof, any such part to correspond generally with one or more of the functional subdivisions of the subject matter of the Plan. The adoption of the Plan or any part, amendment or addition, shall be by resolution carried by the affirmative votes of not less than a majority of all the members the Planning Commission, subject to confirmation by the Common Council. The resolution shall refer expressly to the maps, descriptive matter, and other matters intended by the Commission to form the whole or any part of the plan, and the action taken shall be recorded on the adopted plan or part thereof by the identifying signature of the secretary of the Commission, and a copy of the plan or part thereof shall be certified to the Common Council. The purpose and effect of the adoption and certifying of the master plan or part thereof shall be solely to aid the Planning Commission and the Common Council in the performance of their duties.
- (2) Mandatory Referrals to Commission. The Common Council or an officer of the City having final authority thereon shall refer to the Planning Commission, for its consideration and report before final action is taken by the Council, public body or officer, the following matters: the location of any statue or other memorial; the location, acceptance, extension, alteration, vacation, abandonment, change of use, sale, acquisition of land for or lease of land for any street, alley or other public ways, park, playground, airport, area for parking vehicles, or other memorial or public grounds; the location, extension, abandonment or authorization for any public utility whether publicly or privately owned; all plats of lands in the City or within the territory over which the City is given platting jurisdiction by Chapter 236, Wis. Stats.; the location, character and extent or acquisition, leasing or sale of lands for public or semi-public housing, slum clearance, relief of congestion, or vacation camps for children; and the amendment or repeal of any land use ordinance. Unless such report from the Commission is made within thirty (30) days, or such longer period as may be stipulated by the Common Council, the Council or other public body or officer may take final action without it.
- (3) Miscellaneous Powers. The Commission may make reports and recommendations relating to the plan and development of the City to public officials and agencies, public utility companies, civic, educational, professional and other organizations and citizens. It may recommend to the Common Council programs for public improvements. All public officials

shall, upon request, furnish to the Commission, within a reasonable time, such available information as it may require for its work. The Commission, its members and employees, in the performance of its functions, may enter upon any land, make examinations and surveys, and place and maintain necessary monuments and markers thereon. In general, the Commission shall have such powers as may be necessary to enable it to perform its functions and promote municipal planning in cooperation with the Common Council.

- (f) **Vacancies.** Vacancies shall be filled by appointment for the remainder of the unexpired term in the same manner as appointment for the full term.
- (g) **Compensation.** No compensation shall be paid for service on the Commission, but members may be reimbursed in the form of a per diem for actual and necessary expenses if authorized by the Council. Citizen members shall take the official oath as required by [Sec. 19.01, Wis. Stats.](#), said oath to be filed with the City Clerk.

SEC. 2-4-6 CEMETERY BOARD.

- (a) **Composition.** The Cemetery Board shall be appointed by the Mayor, subject to confirmation by the Common Council, and shall consist of five (5) members, four (4) of which shall be citizen members and one (1) shall be an Alderman. Members shall have a two (2) year term of office, except that the Alderman member shall be annually appointed by the Mayor at the organizational meeting, subject to Council confirmation.
- (b) **Duties.** The Cemetery Board shall be responsible to the Common Council for the control and management of all municipal cemeteries, for the administration of the provisions of this ordinance and any supplemental rules and regulations adopted by the City Council.
- (c) **Report.** Not later than February 1st of each year, the Cemetery Board shall submit to the Common Council a report of the activities and affairs of the municipal cemetery(ies) for the preceding calendar year.
- (d) **Salary.** The Cemetery Board members shall be paid compensation on a per-diem basis as determined by the Common Council.

SEC. 2-4-7 LADYSMITH HOUSING AUTHORITY.

- (a) **Appointment, Qualifications and Tenure of Commissioners.**
 - (1) The Mayor shall, with the confirmation of the Common Council, appoint five (5) persons who are citizens of the City as Commissioners of the Housing Authority. No Commissioner may be connected in any official capacity with any political party nor shall more than two (2) be officers of the City.
 - (2) The Commissioners who are first appointed shall be designated by the Mayor to serve for terms of one (1), two (2), three (3), four (4) and five (5) years respectively from the date of their appointment. Thereafter, the term of office shall be five (5) years. A Commissioner shall hold office until his successor has been appointed and has qualified. Vacancies shall be filled for the unexpired term in the same manner as other appointments. Three (3) Commissioners shall constitute a quorum. The Mayor shall file with the City Clerk a certificate of the appointment or reappointment of any Commissioner and such certificate shall be conclusive evidence of the due and proper appointment of such Commissioner if such Commissioner is duly confirmed as herein provided and has duly taken and filed the official oath before entering upon his office. A Commissioner shall receive no compensation for his services but shall be entitled to the necessary expenses including traveling expenses incurred in the discharge of duties.
- (b) **Selection of Officers.** When the office of the first chairman of the Authority becomes vacant, the authority shall select a chairman from among its members. The Authority shall select from among its members a vice-chairman, and it may employ a secretary (who shall be executive director), technical experts and such other officers, agents and employees, permanent and temporary, as it may require, and shall determine their qualifications, duties and compensation. The Authority may

call upon the City Attorney or chief law officer of the City for Boards, Commissions and Committees such legal services as it may require. The Authority may delegate to one or more of its agents or employees such powers or duties as it may deem proper.

- (c) **Authority.** The Ladysmith Housing Authority shall have all the powers and perform all of the duties conferred upon it by [Sec. 66.40, Wis. Stats.](#)

State Law Reference: Sec. 66.40, Wis. Stats.

SEC. 2-4-8 PARK BOARD.

- (a) **Appointments.** The Park Board shall consist of six (6) City of Ladysmith residents and one (1) Alderperson appointed by the Mayor. Each Board member shall hold office for a term of three (3) years, said terms to end the third Tuesday in April in the year of expiration, except that the Alderperson shall have a one (1) year term of office. The Asst. Director of Public Works and Streets Lead Worker shall be ex-officio members of the Park Board. *Ord. 2020-02 adopted 6/8/2020.*
- (b) **Compensation; Oaths.** Board members shall receive such compensation as shall be determined by the Council from time to time. Members shall take an official oath prescribed by [Sec. 19.01, Wis. Stats.](#), to be filed with the City Clerk.
- (c) **Officers.** The Board shall annually elect one (1) member as chairperson and one (1) as secretary.
- (d) **Procedure.** Four (4) members shall constitute a quorum. The Chairperson, or acting Chairperson, shall be considered in determining a quorum. Action shall be by a majority of those present and voting. The Board shall adopt rules of procedure for governing the conduct of its meetings.
- (e) **Powers and Duties.** The Park Board shall have all the powers conferred by law upon park and recreation commissions and shall be chargeable with all the duties so required, such as recommend, oversee work and oversee funds of all parks, playgrounds and recreational activities as part of properties within the City. The Park Board is specifically empowered and directed:
- (1) To govern, manage, control, improve and care for all public parks located within, or partly within and partly without, the corporate limits of the City and secure the quiet, orderly and suitable use and enjoyment thereof by the people; also to adopt rules and regulations to promote these purposes.
 - (2) To acquire in the name of the City for park purposes by gift, purchase, devise, bequest or condemnation, either absolutely or in trust, money, real or personal property, or any incorporeal right or privilege, provided gifts to the City of money or other property, real or personal, either absolutely or in trust, for park purposes shall be accepted only after they have been recommended by the Board to the Common Council and approved by said Common Council by resolution.
 - (3) With prior Council approval, to buy or lease lands in the name of the City for park purposes within or without the City and, with the approval of the Common Council, to sell or exchange property no longer required for its purpose.
 - (4) To execute every trust imposed upon the use of property or property rights by the deed, testament or other conveyance transferring the title of such property to the City for park purposes.
 - (5) To have the powers necessary and convenient for the effective and efficient management, control, supervision and operation of the City park system and recreation program, subject to budgetary approval by the Common Council.
 - (6) To have jurisdiction of the parks, swimming facilities and playgrounds throughout the City and assume full responsibility for the equipping, developing and maintaining the physical facilities of the park system.
 - (7) To establish such rules and regulations to promote the quiet, orderly and suitable use of the City parks and playgrounds as the Board shall deem necessary.
 - (8) To establish rules and regulations, including user fees as deemed necessary as approved by the Council and desirable for the proper use, care and operation of parks, park facilities, recreation programs and other activities under their control, provided however that such rules

and regulations do not conflict with the laws of the State of Wisconsin or this Code of Ordinances.

- (9) And such other and further duties as may be necessary for the proper carrying out of the purposes of said Board.
- (f) **Public Recreation Program.** The Park Board shall review the City's recreational needs and shall advise the Common Council on the public recreation program of the City, including:
 - (1) Establishing park rules and program policies.
 - (2) Cooperating with public school activities.
 - (3) Cooperating with any private recreational activities.
 - (4) Approving any schedules of all recreational activities in public parks and school buildings.
- (g) **Record.** The Park Board shall keep a written record of its proceedings to include all actions taken, a copy of which shall be filed with the City Clerk.
- (h) **Finance.**
 - (1) **Budget.** The Board shall assist in preparing an annual budget for submission to the Common Council, which budget shall reflect the Board's recommendations as to maintenance or acquisition of City parks, open spaces, park and related facilities, recreation programs and equipment, summer or seasonal employees, etc. Said annual budget request shall contain estimates as to revenues to be derived from recreation programs or activities as well as estimated expenditures for operating the parks and recreation system.
 - (2) **Deposits.** All revenues and income from the operation of park and recreation programs shall be deposited with the City Treasurer as general revenue of the City.
 - (3) **Monetary Contributions.** All moneys donated to the City specifically for park or recreation use shall be deposited in City accounts as a nonlapsing fund or reserve for such specific use.

SEC. 2-4-9 COMMISSION ON EQUAL OPPORTUNITIES IN HOUSING.

- (a) **Creation.** There is created a City of Ladysmith Commission on Equal Opportunities in Housing which is given the power and duty to enforce equal and fair opportunity in housing for all persons.
- (b) **Formation.**
 - (1) The City of Ladysmith Commission on Equal Opportunities in Housing shall consist of six (6) members, one (1) of whom shall be a member of the Common Council. The members shall be appointed by the Mayor and confirmed by the Council to serve terms as specified in Subsection (b)(2) below.
 - (2) Initial terms of Commission members shall be as follows: Two (2) shall be initially appointed for one (1) year; two (2) shall be initially appointed for two years; two (2) shall be initially appointed for three (3) years. Thereafter all Commissioners shall be appointed to serve three (3) year terms. Any appointments to fill vacancies on the Commission shall be for the duration of the unexpired term only.
 - (2) A member of the Commission may be removed by the Mayor and the Common Council only for inefficiency, neglect of duty, misconduct or malfeasance in office or other cause, provided, however, the Commissioner is first given a written statement of the charges and an opportunity to be heard thereon by the Mayor and Common Council. Commission members shall be residents of the City of Ladysmith and shall be reimbursed for all actual and necessary expenses, but shall receive no other compensation.
- (c) **Powers and Duties.** The Commission of Equal Opportunities in Housing shall have the following powers and duties:
 - (1) To adopt, amend, publish, and rescind rules and regulations governing its meetings and hearings and for the enforcement of applicable City ordinances.
 - (2) To appoint such other employees, agents, and staff, as approved by the Common Council, that are necessary to promote the purposes of the City's Equal Housing ordinances and to prescribe their duties.
 - (3) To receive, initiate, and investigate all complaints alleging any discriminatory practice prohibited by the City's Equal Housing ordinances.

- (4) To appoint mediators who initially shall seek a settlement agreeable to both the complainant and the respondent by means of informal conferences.
- (5) If necessary, to hold hearings after efforts at settlement based on complaints made against any persons and a determination of probable cause; to administer oaths and take testimony; to compel the producing of books, papers, and any other documents relating to any matters involved in the complaint; and to subpoena witnesses and compel their attendance.
- (6) To issue, after hearing, such final orders as are necessary to promote the purposes of the City's Equal Housing ordinances.
- (7) To issue temporary orders effective for a maximum of twenty (20) days, restraining the respondent from taking action which would tend to render ineffectual or unenforceable any order which the Commission might issue.
- (8) To make available to the public, in writing, at the conclusion of proceedings in each case, copies of:
 - a. Transcripts of all its proceedings except initial settlement efforts by its mediators; and
 - b. All temporary and final orders; and
 - c. All decisions and opinions rendered.
- (9) To require a written report from the respondent regarding the manner in which the respondent will comply with any final order issued by the Commission.
- (10) To recommend to the Common Council any legislation necessary to further promote the purposes of the City's Equal Housing ordinances and to file annual written reports of its work with the Common Council by December 31 of each year.

SEC. 2-4-10 POLICE AND FIRE COMMISSION.

- (a) **Commissioners.** The Board of Police and Fire Commissioners shall consist of five (5) citizens who are residents of the City, three (3) of whom shall constitute a quorum. The Mayor shall annually appoint, at the organizational meeting, one (1) member for a term of five (5) years, subject to confirmation by the Council. No appointment shall be made which will result in more than three (3) members of the Commission belonging to the same political party. The Commission shall keep a record of its proceedings.
- (b) **Optional Powers of Board.** The Board of Police and Fire Commissioners shall have the power and authority prescribed by [Sec. 62.13\(6\), Wis. Stats.](#), and this Code of Ordinances, including the following optional statutory powers authorizing general administrative powers.
 - (1) To organize and supervise the fire and police departments and to prescribe rules and regulations for their control and management.
 - (2) To contract for and purchase all necessary apparatus and supplies for the use of the departments under their supervision, exclusive of the erection and control of the police and fire station buildings.
 - (3) To audit all bills, claims, and expenses of the fire and police departments before the same are paid by the City.
- (c) **Scope of Authority Specified.** In accordance with [Sec. 62.13, Wis. Stats.](#), the Board of Police and Fire Commissioners shall have the following specific powers and authority:
 - (1) To conduct original entrance examinations for those seeking employment in the police and fire departments at the lowest ranks and to prepare an eligible list from the applicants successful in the examinations, including establishment of requirements for eligibility for employment. The actual appointments shall be made by the Police Chief or the Fire Chief from the list certified by the Board.
 - (2) To conduct examinations for specialized or supervisory positions in the two (2) departments when such positions cannot be filled to advantage by promotion and to open such examinations to the general public.
 - (3) To approve or disapprove the appointments made by the Police Chief and Fire Chief.
 - (4) To appoint the Chief of each department.
 - (5) To conduct hearings on discharge or disciplinary actions within the Police and Fire Departments.

(6) To sue or be sued where necessary to carry out an express power or duty.

- (d) **Management Duties.** The Board of Police and Fire Commissioners in the management of the police and fire departments shall function in cooperation with the Mayor, the Common Council and its several boards and commissions, acting on behalf of the best interests of the City, to ensure each department is operated in an effective, efficient manner and with regard to the interests of public safety. The Board shall have the following two (2) fundamental duties:
- (1) The duty of acting as a watchdog to prevent any undesirable influences affecting the operation of the police and fire departments and protecting the rights of policemen and firemen from unfair or unreasonable acts of their chiefs.
 - (2) The duty of recruiting and examining qualified applicants for entry into the departments.

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

SEC. 2-4-11 TOURISM COMMISSION

- (a) **Composition.** The Tourism Commission shall consist of five members, one of whom may be a Council member, and one of whom shall represent the Wisconsin hotel and motel industry. Members shall be as appointed under Sec. (b). The Mayor and City Administrator or their designees shall be ex-officio non-voting members of the Commission.
- (b) **Appointment; Term of Office.**
- (1) Members of the Commission shall be appointed by the Mayor, and shall be confirmed by a majority of the members of the Common Council who are present when the vote is taken.
 - (2) Commissioners shall serve for one year terms beginning the third Tuesday of April and may be reappointed.
 - (3) The Commission shall meet regularly, and, from among its members, it shall elect a chairperson, vice chairperson and secretary.
- (c) **Functions and Powers.**
- (1) The Commission shall coordinate tourism promotion and tourism development for the City as set forth in Section 66.0615, Wis. Stats.
 - (2) The Commission shall monitor the collection of room taxes in the City, receive room tax revenue from the City and use it for tourism promotion and tourism development in the City. The Commission shall not use any of the room tax to construct or develop a lodging facility.
 - (3) The Commission shall review and recommend ordinances, expenditures of room taxes, and policies relating to the promotion of tourism in Ladysmith to visitors and tourism development.
 - (4) The Commission shall report annually to the City Treasurer the purposes and amounts for which room tax revenues were spent.
 - (5) The Commission shall report any room tax delinquencies or inaccurate reporting to the municipality.
 - (6) The Commission shall contract with a qualified organization under Section 66.0615 Wis. Stats. to perform the functions of a tourism entity. *Adopted Ord. 2016-12 on 11/14/2016.*

SEC. 2-4-12 GENERAL PROVISIONS REGARDING MEETINGS AND PUBLIC NOTICE

- (a) **Regular Meetings; Public Notice.** Every Board, Committee and Commission created by or existing under the ordinances of the City shall:
- (1) Fix a regular date, time and place for its meeting;
 - (2) All meeting notices shall be filed with the City Clerk who shall cause the notice to be published and posted in full compliance with the Open Meeting Law Requirements.
 - (3) Post at the front door of the City Hall, or publish, an agenda of the matters to be taken up at such meeting.

- (b) **Special Meetings.** Nothing in Subsection (a) shall preclude the calling of a special meeting or with dispensing with the publication of notice or such posting of the agenda, for good cause, but such special meetings shall nonetheless comply in all respects with the provisions of [Sections 19.81 to 19.89, Wis. Stats.](#)

SEC. 2-4-13 RESIDENCY REQUIRED FOR SERVICE ON BOARDS OR COMMISSIONS.

No person not a resident of, and not residing in the City of Ladysmith shall be appointed to any City board or commission, except that the library Board, pursuant to state law, may have as members up to two (2) persons who reside in towns adjacent to the City. Any board or committee member who moves from the City shall immediately be removed from such board or committee.

CHAPTER 5

Ethics Code

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SEC. 2-5-1 STATEMENT OF PURPOSE.

- (a) The proper operation of democratic government requires that public officials and employees be independent, impartial and responsible to the people; that government decisions and policy be made in proper channels of the governmental structure; that public office not be used for personal gain; and that the public have confidence in the integrity of its government. In recognition of these goals, there is hereby established in this Chapter a Code of Ethics for all City of Ladysmith officials and employees, whether elected or appointed, paid or unpaid, including members of boards, committees and commissions of the City, as well as any individuals who are candidates for elective office as soon as such individuals file nomination papers with the City.
- (b) The purpose of this Ethics Code is to establish guidelines for ethical standards of conduct for all such officials and employees by setting forth those acts or actions that are incompatible with the best interests of the City of Ladysmith and by directing disclosure by such officials and employees of private financial or other interests in matters affecting the City. The Common Council believes that a Code of Ethics for the guidance of elected and appointed officials and employees will help them avoid conflicts between their personal interests and their public responsibilities, will improve standards of public service and will promote and strengthen the faith and confidence of the citizens of this City in their elected and appointed officials and employees. The Common Council hereby reaffirms that each elected and appointed City official and employee holds his or her position as a public trust, and any intentional effort to realize substantial personal gain through official conduct is a violation of that trust. The provisions and purpose of this Ethics Code and such rules and regulations as may be established are hereby declared to be in the best interests of the City of Ladysmith.

SEC.2-5-2 OFFENSES AGAINST STATE LAWS SUBJECT TO FORFEITURE

The provisions of the following sections of the Wisconsin Statutes, as from time to time amended, are made a part of this Code of Ethics and shall apply to public officials and employees whenever applicable. Further, the following Statutes defining offenses against State Law are adopted by reference to define offenses against the City of Ladysmith provided that the penalty for commission of such offenses hereunder shall be limited to a forfeiture imposed under the general penalty provisions of the Code of Ordinances. Any future amendments, revisions or modifications of the Statutes incorporated herein by reference are intended to be made part of this Code.

Chapter 19, Subchapter III
 Chapter 946, Subchapter II
 Section 66.0501 WI Stats.

SEC. 2-5-3 DEFINITIONS.

The following definitions shall be applicable in this Chapter:

- (a) **Public Official.** Means those persons serving in statutory elected or appointed offices provided for in Chapter 62 of the Wisconsin Statutes, and all members appointed to boards, committees and commissions established or appointed by the Mayor and/or Common Council pursuant to this Code of Ordinances, whether paid or unpaid.
- (b) **Public Employee.** Means any person excluded from the definition of a public official who is employed by the City.
- (c) **Anything of Value.** Means any gift, favor, loan, service or promise of future employment, but does not include reasonable fees and honorariums, or the exchange of seasonal, anniversary or customary gifts among relatives and friends.
- (d) **Business.** Means any corporation, partnership, proprietorship, firm, enterprise, franchise, association, organization, self-employed individual or any other legal entity which engages in profit-making activities.
- (e) **Personal Interest.** Means the following specific blood or marriage relationships:
 - (1) A person's spouse, mother, father, child, brother or sister; or
 - (2) A person's relative by blood or marriage.
 - (3) Any person with whom the person has lived or currently lives in the same household.
- (f) **Significant Interest.** Means owning or controlling, directly or indirectly, at least ten percent (10%) or Five Thousand Dollars (\$5,000.00) of the outstanding stock or Five Thousand Dollars (\$5,000.00) of any business.
- (g) **Financial Interest.** Any interest which shall yield, directly or indirectly, a monetary or other material benefit to the officer or employee or to any person employing or retaining the services of the officer or employee.

SEC. 2-5-4 RESPONSIBILITY OF PUBLIC OFFICE.

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

SEC. 2-5-5 DEDICATED SERVICE.

- (a) Officials and employees should adhere to the rules of work and performance established as the standard for their positions by the appropriate authority.
- (b) Officials and employees should not exceed their authority, or breach the law or ask others to do so, and they should work in full cooperation with other public officials and employees unless prohibited from so doing by law or by officially recognized confidentiality of their work.
- (c) Members of the City staff are expected to follow their appropriate professional code of ethics. The Ethics Board shall notify the appropriate professional ethics board of any ethics violations involving City employees covered by such professional standards.
- (d) Common Council, City Employees, Elected Officials, Board/Committee Members, and Applicants for all positions shall be informed in writing, at the time they present nomination papers for filing, are made a conditional offer of employment or apply for a Board or Committee appointment, of the requirement to complete and file an Outside Activities Disclosure Form as provided for in this Chapter, and shall sign a receipt indicating that they have received a copy of this ordinance and its attachments.

SEC. 2-5-6 FAIR AND EQUAL TREATMENT.

- (a) **Use of Public Property.** No official or employee shall use or permit the unauthorized use of City-owned vehicles, equipment, materials or property for personal convenience or profit, except when such services are available to the public generally or are provided by City policy for the use of such official or employee in the conduct of official business, as authorized by the Common Council or authorized board, commission or committee.
- (b) **Use of City Stationery.** Copies of a correspondence written on City stationery shall be filed with the City Clerk, City Treasurer, or their designee.
- (c) **Obligations to Citizens.** No official or employee shall grant any special consideration, treatment or advantage to any citizen beyond that which is available to every other citizen. No official or employee shall use or attempt to use his or her position with the City to secure any advantage, preference or gain, over and above his rightful remuneration and benefits, for himself or for a member of his or her immediate family.
- (d) **Political Contributions.** No official shall personally solicit from any City employee, other than an elected official, a contribution to a political campaign committee for which the person subject to this Chapter is a candidate or treasurer.

SEC. 2-5-7 CONFLICT OF INTEREST.

- (a) **Financial and Personal Interest Prohibited.**
 - (1) No official or employee of the City, whether paid or unpaid, shall engage in any business or transaction or shall act in regard to financial or other personal interest, directly or indirectly, which is incompatible with the proper discharge of official duties in the public interest contrary to the provisions of this Chapter or which would tend to impair independence of judgment or action in the performance of official duties.
 - (2) Any member of the Common Council who has a financial interest or personal interest in any proposed legislation before the Common Council shall disclose on the records of the Common Council the nature and extent of such interest; such official shall not participate in debate or vote for adoption or defeat of such legislation. If the matter before the Council involves a member's personal interest with persons involved, the member may participate in debate or discussion and vote on the matter following disclosure, unless an ordinance or contract is involved; if an ordinance or contract is involved, such official shall not participate in debate or discussion and vote on the matter.
 - (3) Any non-elected official, other than a City employee, who has a financial interest or personal interest in any proposed legislative action of the Common Council or any board, commission or committee upon which the official has any influence or input or of which the official is a member that is to make a recommendation or decision upon any item which is the subject of the proposed legislative action shall disclose on the records of the Common Council or the appropriate board, commission or committee the nature and extent of such interest. Such official shall not participate in debate or discussion or vote for adoption or defeat of such legislation.
 - (4) Any City employee who has a financial interest or personal interest in any proposed legislative action of the Common Council or any board, commission or committee upon which the employee has any influence or input, or of which the employee is a member, that is to make to a recommendation or decision upon any item which is the subject of the proposed legislative action shall disclose on the records of the Common Council or the appropriate board, commission or committee the nature and extent of such interest.
- (b) **Disclosure of Confidential Information.** No official or employee shall, without proper legal authorization, disclose confidential information concerning the property, government or affairs of the City, nor shall such information be used to advance the financial or other private interests of the official or employee or others.

(c) **Gifts and Favors.**

- (1) No official or employee, personally or through a member of his immediate family, may solicit or accept, either directly or indirectly, from any person or organization, money or anything of value if it could be expected to influence the employee's official actions or judgments or be considered a reward for any action or inaction on the part of the official or employee.
- (2) No official or employee personally, or through a member of his immediate family, shall accept any gift of a greater value than Twenty Dollars (\$20.00), whether in the form of money, service, loan, thing or promise, from any person which may tend to impair his independence of judgment or action in the performance of his duties or grant in the discharge of his duties any improper favor, service or thing of value. However, it is not a conflict of interest for any public official or employee to receive a gift or gratuity that is an unsolicited item of nominal intrinsic value of less than Twenty Dollars (\$20.00), such as a meal, and that is not intended to influence the official. Any official or employee who receives, directly or indirectly, any gift or gifts having an aggregate value of more than Fifty Dollars (\$50.00) within any calendar year from any person who is known by said official or employee to be interested, directly or indirectly, in any manner whatsoever in business dealings with the City upon which the official or employee has an influence or input or over which the official or employee has any jurisdiction, discretion or control shall disclose the nature and value of such gifts to the Common Council by January 15 next following the year in which the gift or gifts are received.
- (3) An official or employee is not to accept hospitality if, after consideration of the surrounding circumstances, it could reasonably be concluded that such hospitality would not be extended were it not for the fact that the guest, or a member of the guest's immediate family, was a City official or employee. Participation in celebrations, grand openings, open houses, informational meetings and similar events are excluded from this prohibition. This paragraph further shall not be construed to prevent candidates for elective office from accepting hospitality from citizens for the purpose of supporting the candidate's campaign.
- (4) Gifts received by an official or employee or his immediate family under unusual circumstances shall be referred to the Common Council within ten (10) days of receipt for recommended disposition. Any person subject to this Chapter who becomes aware that he is or has been offered any gift, the acceptance of which would constitute a violation of this Subsection, shall, within ten (10) days, disclose the details surrounding said offer to the Common Council. Failure to comply with this reporting requirement shall constitute an offense under this Chapter.

(d) **Representing Private Interests Before City Agencies or Courts.**

- (1) Non-elected City officials and employees shall not appear on behalf of any private person (other than him or herself, his or her spouse or minor children) before any City agency, board, commission or the Common Council if the official or employee or any board, commission or committee of which the official or employee is a member has any jurisdiction, discretion or control over the matter which is the subject of such representation.
- (2) Elected City officials may appear before City agencies on behalf of constituents in the course of their duties as representatives of the electorate or in the performance of public or civic obligations. However, the disclosure requirements of Subsection (a) above shall be applicable to such appearances.

(e) **Ad Hoc Committee Exceptions.** No violation of the conflict of interest restrictions of this Section shall exist, however, where an individual serves on a special ad hoc committee charged with the narrow responsibility of addressing a specific issue or topic in which that individual, or the employer or a client of that individual, has an interest so long as the individual discloses to the Common Council that such interest exists.

(f) **Contracts with the City.** No City official or employee who, in his capacity as such officer or employee, participates in the making of a contract in which he has a private pecuniary interest, direct or indirect, or performs in regard to that contract with some function requiring the exercise of

discretion on his part shall enter into any contract with the City unless, within the confines of [Sec. 946.13, Wis. Stats.](#):

- (1) The contract is awarded through a process of public notice and competitive bidding or the Common Council waives the requirement of this Section after determining that it is in the best interest of the City to do so.
- (2) The provisions of this Subsection shall not apply to the designation of a public depository of public funds.

SEC. 2-5-8 ADVISORY OPINIONS.

- (a) Any questions as to the interpretation of any provisions of this Code of Ethics Chapter shall be referred to the City Attorney or the Chairman of the Board of Ethics. Such requests shall be as detailed as possible and shall be made in writing. Advisory requests shall be kept confidential, except when disclosure is authorized by the requestor, in which case the request and opinion may be made public.
- (b) The City Attorney or the Chairman of the Board of Ethics may provide an answer verbally or in writing or may bring the question to the full board who shall consider the question at its next regularly scheduled meeting. The requestor of the opinion may also request that the full board review the opinion of the City Attorney or Chairman of the Board of Ethics. If no meeting is scheduled, it shall be considered at a meeting to be scheduled upon appropriate notice, and held within thirty (30) days of the receipt of the question.
- (c) If the board determines that a potential violation may exist, the board shall notify the subject of the inquiry of the meeting and of the following rights: the right to have the meeting in open or closed session at the discretion of the subject; the right to have counsel or other trusted advisor to assist; the right to confront any witnesses; the right to have all testimony made under oath or affirmation; and the right to present sworn testimony in his or her own behalf.
- (d) The Board of Ethics shall issue its opinion within 7 days of its meeting.

SEC. 2-5-9 HIRING RELATIVES.

- (a) This Section governs the proposed hiring of individuals for full-time or part-time work as City employees who are members of the immediate family of City employees or elected officials. "Immediate family" includes those relatives by blood or marriage defined in Section 2-5-2(e) as personal interests.
- (b) Hiring an immediate family member of any current City employee or elected City official is discouraged and will be considered only if that individual has the knowledge and skills, experience or other job-related qualifications that warrant consideration for the position. It is required that either the current employee or the relative seeking employment will make the personal interest relationship known to the hiring authority (department head, City board or commission or Common Council) before a hiring decision is made; in every case, the decision to hire an immediate family member or former spouse will be subject to Common Council approval, with notice, before the new employee is permitted to begin work. Marriage between two (2) individuals already employed by the City or their relatives will not be considered a violation of this policy.
- (c) This Section does not apply to non-elected officials who are asked to accept appointment as members of a City board, commission or committee; non-elected officials, however, will be expected to disqualify themselves from participation in matters under consideration which may affect the hiring, retention, classification or compensation of their immediate family if currently employed or being considered for employment by the City.

SEC. 2-5-10 EMPLOYEES COVERED BY COLLECTIVE BARGAINING AGREEMENTS.

In the event an employee, covered under a collective bargaining agreement, is allegedly involved in an Ethics Code violation, the terms and conditions set forth in the applicable collective bargaining agreement shall prevail in the administration and interpretation of this Ethics Code Chapter.

SEC. 2-5-11 SANCTIONS.

A determination that an employee's actions constitute improper conduct under the provisions of this Chapter may constitute a cause of suspension, removal from office or employment or other disciplinary action. Sanctions, including any disciplinary action that may affect employees covered under a labor agreement will be consistent with the terms and conditions set forth in the applicable labor agreement.

SEC. 2-5-12 POLICE OFFICERS AND FIREFIGHTERS.

When an ethics complaint has been filed against a police officer or firefighter or the Chief of either the Police or Fire Department, the procedure shall be had in accordance with the provisions of [Sec. 62.13, Wis. Stats.](#)

SEC. 2-5-13 OUTSIDE ACTIVITIES DISCLOSURE FORM AND INSTRUCTIONS

- (a) The Board of Ethics of the City of Ladysmith may from time to time, by a simple majority of members attending and voting, adopt an Outside Activities Disclosure Form and Instructions, which shall be a part of this Chapter.
- (b) The current form is attached hereto and by this reference made a part hereof.
- (c) The form shall be completed and delivered to the City Administrator for delivery to the Board of Ethics Chairman and reviewed by the Board of Ethics prior to a final offer to hire or appointment to any board or commission. Any concerns of the Board of Ethics may be resolved informally or under the procedure set out in Sec.2-5-8.
- (d) The form shall be confidential and shall not be a part of the public record.

Ord. 2012-02 adopted on 3/12/2012.

FORM AND INSTRUCTIONS FOLLOW

Outside Activities Disclosure Form & Instructions

This Outside Activities Disclosure Form and Instructions applies to the City of Ladysmith Common Council, city employees, elected officials, appointed board/committee/commission members and final applicants for all positions. All such persons shall be informed of the requirement to complete the Outside Activities Disclosure Form prior to appointment, assuming office, or receiving a final offer of employment.

The fundamental accountability of any person serving the citizens of Ladysmith is to the public. Every individual has an obligation to exhibit ethical and conscientious behavior in carrying out his or her responsibilities. Accordingly, all persons serving the City must have a loyalty to the public that is not conflicted by loyalties to other individuals, other organizations and any self-interest. They must abide by all City and State ethics and conflict of interest policies and guidelines to safeguard these obligations.

Statutory requirements are set out in Section 19.59 Wisconsin Statutes and Title 2 Chapter 5 of the Code of Ordinances of the City of Ladysmith. No person serving the City may have a private financial interest in or profit directly or indirectly from any contract or other business of the City.

There are many categories of conflicted interests such as those involving a personal financial interest, those involving a profit derived directly or indirectly from the City's business or those involving a personal (non-financial) interest.

The City of Ladysmith is committed to ethical, businesslike and lawful conduct, including proper use of authority and appropriate decorum when acting on behalf of the City. All Council members, elected and appointed officials, board and commission members and employees must: Have loyalty to the public that is not conflicted by loyalties to management, other organizations and any self-interest; avoid Conflict of Interest with respect to their fiduciary duties; abide by State and City guidelines designed to implement the purpose and intent Section 19.59 Wisconsin Statutes and Title 2, Chapter 5 of the Code of Ordinances.

Outside Activities/Conflict of Interest Disclosure Form Instructions

1. As a general rule, a person completing an Outside Activities Disclosure Form, is best served by listing all situations wherein a conflicted interest by such person or his/her Family Member, as perceived by a reasonable disinterested party, may possibly exist or arise. Such full disclosure at the outset will enable an informed finding by the Board of Ethics, upon its review of all pertinent facts, which validates for the record whether or not a conflict of interest exists.
2. Each person shall upon initial appointment and annually thereafter sign a statement which affirms that such person has read and understands Section 19.59 and Title 2 Chapter 5, of the Code of Ordinances and has agreed to comply.
3. In addition, each person shall disclose on the prescribed form any outside activities, relationships, circumstances or positions in which the person or a Family Member is

involved that could be perceived as potentially conflicting with the person's primary loyalty to act in best interests of the City.

4. Any such information regarding a person or a Family Member shall be treated as confidential and be made available for initial review only to the Board of Ethics, the Administrator and the Mayor. Following such review, the Board of Ethics shall report its findings and recommendations to the Council in a closed session, unless otherwise requested by the individual involved. The Outside Activities Disclosure Form is attached and should be completed and returned as indicated thereon.

Attachment: Outside Activities Disclosure Form is attached.

Outside Activities Disclosure Form

City of Ladysmith Common Council, City Employees, Elected Officials, appointed board/committee/commission members and final applicants for all positions:

- 1) Do you or a Family Member have a personal financial interest* of any kind in an entity which, in view of all the circumstances, would or reasonably could be perceived as affecting your judgment with respect to City transactions to which the entity is a party?
(*Example: Your daughter has a contract, compensation or employment arrangement with the City or one of its contractors.*)

Circle: NO YES

If you circled YES, please provide a description* of the situation including the name and relationship of a Family Member, and the name and address of the entity involved, and the nature of the arrangement (i.e. employee, contractor, etc.).

- 2) Do you or a Family Member, serve in an appointed or elected capacity in any other entity that could be perceived or presumed by another person as potentially conflicting with your primary loyalty in your City role to act in the best interests of the City?
(*Example: Your sister is employed by an entity that is bidding on a City contract.*)

Circle: NO YES

If you circled YES, please provide a description* of the situation and your explanation as to why such service on behalf of such entity does not rise to the level of a material conflict of interest.

- 3) Do you or a Family Member have any other outside personal interest activities that could be perceived or presumed by another person as potentially conflicting with your primary loyalty in your City role to act on behalf of the best interests of the City? Please include all other memberships and directorships.

Circle: NO YES

If you circled YES, please provide a description*of the situation and your explanation as to why such service on behalf of such entity does not rise to the level of a material conflict of interest.

Name: _____

Council Member Elected Official Non elected Official
Board/ Commission/Committee Member Applicant for Employment

I certify I have received, and understand the instructions to which this form was attached and have completed this form in accordance with those instructions

Signature: _____ **Date:** _____

Please return your completed form in a sealed envelope to the City Administrator or Ethics Board Chairman.

* Descriptions can be provided on the back of this form or in a separate attachment.

Ord. 2012-02 adopted on 3/12/2012