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CHAPTER 2: GOVERNMENT AND ADMINISTRATION

**2.0100 CITY GOVERNMENT**

**2.0101 CITY GOVERNMENT**

The City of Marinette 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.

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

**2.0102 ALDERMANIC DISTRICTS ESTABLISHED**

Pursuant to Section 62.08 of the Wisconsin Statutes, as amended, and on the basis of the published results of the 2010 federal census of population, the City of Marinette is divided into nine (9) aldermanic districts and 8 wards for the purpose of local elections commencing on January 1, 2012, which districts and wards shall have boundaries as set forth in Section 2.0104. (Ordinance 2011-2194 adopted 7-5-11)

**2.0103 POLLING PLACES FOR WARDS**

Except as may further be changed by the Common Council, the polling places in the wards or aldermanic districts of the City of Marinette shall be as follows:

- WARD 1 UW Marinette Field House, 1125 University Ave.
- WARD 2 UW Marinette Field House, 1125 University Ave.
- WARD 3 UW Marinette Field House, 1125 University Ave.
- WARD 4 UW Marinette Field House, 1125 University Ave.
- WARD 5 UW Marinette Field House, 1125 University Ave.
- WARD 6 UW Marinette Field House, 1125 University Ave.
- WARD 7 UW Marinette Field House, 1125 University Ave.
- WARD 8 UW Marinette Field House, 1125 University Ave.
- WARD 9 UW Marinette Field House, 1125 University Ave.

(ORD. 2018-2399 ADOPTED 5-22-18)

**2.0104 BOUNDARIES OF ALDERMANIC DISTRICTS**

Pursuant to Wis. Stats. Sec. 5.15, the City of Marinette hereby adopts the wards and voting locations as described below and as set forth on the attached map and that the polling place for the nine (9) wards will be as stated below:

**Ward 1**, with a population of 1341, Described as commencing intersection Water St and 6<sup>th</sup> St; thence south along 6<sup>th</sup> St to Carney Blvd, west along Carney Blvd to 7<sup>th</sup> St, south along 7<sup>th</sup> St to Mott St, southeast along Mott St to 6<sup>th</sup> St, thence south along 6<sup>th</sup> St to Prairie St, west along Prairie St to Woodview Ln, thence south along Woodview Ln to Edwin St, east along Edwin St to W Bay Shore St, thence southerly along W Bay Shore St to University Dr, west along University Dr to Woodland Rd, south on Woodland Road to the city line, south and east along city line to shore of Green Bay, thence northeasterly and northwesterly along bay to Menominee River and north city line, westerly along Menominee River to Ogden St, south along Ogden St to Water St, thence west along Water St to 6<sup>th</sup> St and place of beginning. The Polling place for Ward 1 shall be NWTC/Wisconsin Job Center, 1605 University Avenue.

**Ward 2**, with a population of 1348, Described as commencing intersection Menominee River and Ely St extended; thence southwest along Ely St to Main Street, northwest on main Street to Church St, southwesterly on Church St to Newberry Ave, west along Newberry Ave to Colfax St, south along Colfax St to Logan Ave, thence east along Logan Ave to Stanton St, northeast along Stanton St to Elizabeth Ave, east along Elizabeth Ave to 7<sup>th</sup> St, thence north along 7<sup>th</sup> St to Carney Blvd, east along Carney Blvd to 6<sup>th</sup> St, thence north along 6<sup>th</sup> St to Water St, east along Water St to Ogden St, north along Ogden St to Menominee River and north city line, westerly along Menominee River and city line to Ely St and place of beginning. The Polling place for Ward 2 shall be Marinette High School, School District Board Room, 2139 Pierce Avenue.

**Ward 3**, with a population 1377, Described as commencing intersection Edwin St & W Bay Shore St; thence southerly along W Bay Shore St to University Dr, west along University Dr to Woodland Rd, south city line, thence westerly along city south city line to the west city line, northeasterly along the west city line to Roosevelt Rd/CTH T, south along Roosevelt Rd/CTH T to an extension of Woleske Rd to Roosevelt road/CTH T, easterly along Woleske road extension and Woleske Rd to Industrial Pkwy S, thence south along Industrial Pkwy S to a private road, northeasterly along private road to Pierce Ave, thence south along Pierce Ave to Edwin St, east along Edwin St to Shore Dr, south along Shore Dr to Pine Beach Rd, thence east along Pine Beach Rd to Lincoln St, north along Lincoln St to Edwin St, east along Edwin St to W Bay Shore St and place of beginning. The Polling place for Ward 3 shall be NWTC/Wisconsin Job Center, 1605 University Avenue.

**Ward 4**, with a population of 1370, Described as commencing intersection of Woodview Ln and Edwin St; thence west along Edwin St to Lincoln St, south along Lincoln St to Pine Beach Rd, west along Pine Beach Rd to Shore Dr, thence north along Shore Dr to Prairie St, thence east along Prairie St to 10<sup>th</sup> St, north along 10<sup>th</sup> St to Cleveland Ave, west along Cleveland Ave to Shore Dr, thence north along Shore Dr to Daggett St, west along Daggett St to Pierce Ave, north along Pierce Ave to Mary St, thence east along Mary St to Colfax St, north along Colfax St to Logan Ave, thence east along Logan Ave to Stanton St, northeast along Stanton St to Elizabeth Ave, easterly along Elizabeth to 7<sup>th</sup> St, thence south along 7<sup>th</sup> St to Mott St, southeast along Mott St to 6<sup>th</sup> St, south along 6<sup>th</sup> St to Prairie St, west along Prairie to Woodview Ln, south along Woodview Ln to Edwin St and place of beginning. The Polling place for Ward 4 shall be Marinette High School, School District Board Room, 2139 Pierce Avenue.

**Ward 5**, with a population of 1369, Described as commencing intersection Shore Dr and Edwin St; thence west along Edwin St to Pierce Ave, north along Pierce Ave to a private road, westerly along private road to Industrial Pkwy S, thence north along extended Industrial Pkwy S to Woleske Rd, westerly along Woleske Rd and an extension of Woleske Road to Roosevelt Rd/CTH T, north along Roosevelt Rd/CTH T to city line thence following the city line southwestly and north westerly (including all annexed islands located near the southwest city line) to CTH T and Carney east along Carney Ave to State St, thence north along State St to Thomas St, east along Thomas St to Pierce Ave, south along Pierce Ave to Daggett St, thence east along Daggett St to Shore Dr, south along Shore Dr to Cleveland Ave, east along Cleveland Ave to 10<sup>th</sup> St, thence south along 10<sup>th</sup> St to Prairie St, west along Prairie to Shore Dr, south along Shore Dr to Edwin St and place of beginning. The Polling place for Ward 5 shall be NWTC/Wisconsin Job Center, 1605 University Avenue.

**Ward 6**, with a population of 1372, Described as commencing intersection of Colfax St and Mary St; thence west along Mary St to Pierce Ave, north along Pierce Ave to Thomas St, west along Thomas St to S Madison Ave, thence northerly along Madison Ave to Hall Ave, easterly along Hall Ave to Main St, thence southeasterly along Main St to Church St, southwesterly on Church St to Newberry Ave, westerly along Newberry Ave to Colfax St, south along Colfax St to Mary St and place of beginning. The Polling place for Ward 6 shall be Marinette High School, School District Board Room, 2139 Pierce Avenue.

**Ward 7**, with a population of 1363, Described as commencing intersection of CTH T/Roosevelt Rd and Hall Ave; thence east along Hall Ave to Madison Ave, south along Madison and S Madison Ave to Thomas St, west along Thomas St to State St, thence south along State St to Carney Ave, west along Carney Ave to CTH T/Roosevelt Rd, northerly along CTH T/Roosevelt Rd to Hall Ave and place of beginning. The Polling place for Ward 7 shall be Duer Gymnasium, 402 Williams Street.

**Ward 8**, with a population of 1428, Described as commencing intersection of Hall Ave/STH 64 and Roosevelt Rd/STH 180; thence west along STH 64 to west city line, northerly and easterly along city line to the Menominee River, thence easterly along the Menominee River and north city line to intersection Ely St extended to the Menominee River, southerly along an extension of Ely Street and Ely St to Main St, thence northwesterly along Main St to Hall Ave, westerly along Hall Ave to Hall Ave/STH 64/Roosevelt Rd/STH 180 and place of beginning. The Polling place for Ward 8 shall be Duer Gymnasium, 402 Williams Street.

**Ward 9** is a citywide district. The Polling place for Ward 9 shall be all of the above-listed polling places. (Ordinance 2011 adopted 7-5-11)

## **2.0105 OFFICIAL NEWSPAPER**

The official newspaper of the City of Marinette shall be the *EagleHerald*, and any successor publication.

## **2.0106 ELECTION INSPECTORS**

- A. The Civic Affairs, Cemetery, Traffic and Lights Committee shall determine the number of election officials needed for each polling place subject to Wis. Stat. §7.32, as amended. Prior to determining the number of election officials, the Committee shall consider the advice and recommendation of the City Clerk. The number of election officials at any individual polling place shall not be less than three. (Ordinance 2005-2029 adopted 1-4-05)
- B. The City Clerk may select alternate election officials, two or more sets of officials to work at difference times on election day, and may establish different working hours for different election inspectors assigned to the same polling place. (Ordinance 2005-2029 adopted 1-4-05)

Statutory Reference: Wis. Stat. § 7.30 (2003-04)

Wis. Stat. § 7.32 (2003-04)

## **2.0107 NON-PARTISAN PRIMARY FOR CITY OFFICES**

Whenever three (3) or more candidates file valid nomination papers, candidates for elective City offices shall be nominated by a non-partisan primary conducted pursuant to Section 8.11, Wis. Stats. The Clerk shall provide for a spring primary election to choose two such candidates to be placed on the ballot at the regular spring election. Such candidate shall file with his/her nomination papers a

declaration that he/she will qualify for the office to which he/she may be elected.  
State Law Reference: Section 8.11, WI Stats. (Ordinance 2009-2147 adopted 2-3-2009).

## **2.0200 MAYOR AND COMMON COUNCIL**

### **2.0201 COMMON COUNCIL**

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

State Law Reference: Section 62.11, Wis. Stats.

### **2.0202 ALDERPERSON**

#### **A. Number**

The Common Council shall have nine (9) Alderpersons in addition to the Mayor, who is a member of the Common Council by virtue of his office. The City hereby elects not to be bound by the provisions of Section 62.09 of the Wisconsin Statutes providing that each Aldermanic District shall have two (2) alderpersons. The City shall have one (1) Alderperson for each aldermanic district created from time to time pursuant to reapportionment laws or general ordinance enacted by the Common Council.

#### **B. Term**

The term of office for City of Marinette Alderpersons shall be three (3) years and shall commence on the third Tuesday in the year of their election, commencing in 2010 for the At-large Alderperson, commencing in 2011 for the Ward 3, Ward 7 and Ward 8 Alderperson, commencing in 2012 for the Ward 2, Ward 5 and Ward 6 Alderperson, and commencing in 2013 for the Ward 1 and Ward 4 Alderperson.

#### **C. Vacancies**

A vacancy during the unexpired term of an Alderperson shall be filled by appointment by the Common Council within ninety (90) days of said vacancy provided however, that no appointment need be made if an election of an Alderperson shall place in the aldermanic district in which the vacancy exists within ninety (90) days after said vacancy occurs.

(Charter Ordinance, October 6, 1981)

State Law Reference: Section 62.09, Wis. Stats.

### **2.0203 MAYOR**

#### **A. Term**

The Mayor's term of office shall commence on the third Tuesday of April in the year of his or her election. Effective with the mayoral term which begins on the third Tuesday in April 2003, the term of office of the Mayor shall be 3 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 officials and employees discharge their duties.
2. All offices and department heads shall be responsible to the Mayor who is the chief executive officer and administrative head of the City. Elected officers shall be responsible to the Mayor in administrative matters only.
3. 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.
4. The Mayor shall have such other duties and responsibilities as are prescribed in the Wisconsin Statutes.

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

**2.0204 PRESIDENT OF THE COUNCIL**

The Common Council, at its organizational meeting on the third Tuesday of April, shall 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, according to the provisions of Section 2.0214 of this Municipal Code.

Cross-Reference: Section 2.0214.

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

**2.0205 STANDING COMMITTEES; ACTION ON COMMITTEE REPORTS**

A. Standing Council Committees

At the annual organizational meeting of Common Council, the Mayor shall appoint Alderpersons to each of the following standing committees:

1. Finance and Insurance Committee (Five Alderpersons)
2. Personnel and License Committee (Five Alderpersons)
3. Civic Affairs, Cemetery, Traffic and Lights Committee (Five Alderpersons) (Ord. 2061 adopted 6-6-06)
4. Board of Public Works (Five Alderpersons)
5. Public Safety and Code Enforcement Committee (Five Alderpersons) (Ord. 2006-2061 adopted 6-6-06)
6. Parks and Recreation Committee (Five Alderpersons) (Ord. 2017-2368 adopted 12-6-17)

B. Committee Appointments

1. The chairman of each committee shall be designated by the Mayor, except the Board of Public Works, which chooses a president from its own number. Each member shall serve as appointed unless excused by a

majority of the members of the Council. All Alderpersons shall serve on at least one standing committee.

2. The Mayor may declare the entire Council a committee of the whole for informal discussion at any meeting or for any other purpose, and shall ex officio be chairman of the same.
3. The Mayor may, from time to time, appoint such special committee or committees as may deem advisable or as provided for by motion or resolution stating the number of members and object thereof to perform such duties as may be assigned to them. Members of Ad Hoc Committees appointed by the Mayor are exempt from the residency restrictions set forth in Marinette Municipal Code 2.0419, however a majority of the membership of any ad hoc committee shall be residents of the City of Marinette. (Ord. 2016-2363 adopted 10-4-16)

C. Special Duties of Standing Committees

In addition to duties assigned standing committees by the Common Council, or the Mayor, the following committees shall perform the duties herein set forth:

1. The Personnel and License Committee shall:
  - (a) Review and approve any salary adjustments for employees (except salary adjustments made pursuant to negotiations with union bargaining representatives), and any promotion or demotion of any employee, and make its recommendations regarding same to the Common Council;
  - (b) Review and approve all rules, regulations, and policies governing employees of the City of Marinette, including without limitation those pertaining to hours, sick leave, vacation, holidays, leaves of absence, etc., and make recommendations regarding same when necessary to the Mayor and/or Common Council;
  - (c) Investigate and rule on grievances and disciplinary matters pertaining to employees (or make recommendations to the Common Council on such, where appropriate), as may from time to time become necessary;
  - (d) Review and recommend all union contract changes, including wage and fringe benefit adjustments;
  - (e) Negotiate for the City of Marinette all matters pertaining to City employees not covered by bargaining unit agreements, or otherwise negotiated for the City by other committees, and make recommendations regarding same to the Common Council;
  - (f) Recommend hiring of all “non-elected officers” of the City;
  - (g) Review and approve licenses for liquor or restaurant establishments and other functions and make recommendations



regarding same to the Common Council, and shall perform other duties from time to time as may be set forth in the Municipal Code or as referred from the Common Council; and

- (h) Perform other duties from time to time as may be set forth in the Municipal Code or as referred from the Common Council.
2. The Civic Affairs, Cemetery, Traffic and Lights Committee shall:
- (a) Oversee the management and operation of the municipal cemetery and mausoleum, and approve rules and regulations for same;
  - (b) Recommend traffic signs, parking restrictions and speed limits to the Common Council; and perform other duties from time to time as may be set forth in the Municipal Code or as referred from the Common Council. (Ordinance 2013-2241 adopted 3-5-13)
  - (c) Recommend street light placement to the Common Council;
  - (d) Recommend election ordinances to the Council; and perform other duties from time to time as may be set forth in the Municipal Code or as referred from the Common Council. (Ordinance 2013-2241 adopted 3-5-13)
3. The Finance and Insurance Committee shall:
- (a) Recommend the City Budget to the Common Council;
  - (b) Recommend budget amendments to the Common Council;
  - (c) Recommend monthly expenditures to the Common Council;
  - (d) Review monthly budget performance;
  - (e) Review all insurance issues and recommend insurance actions;
  - (f) Approve the percentage of room tax to be retained by the City for purposes other than tourism promotion and tourism development (up to 30% of yearly room tax revenues). (Ord. 2017-2370 adopted 2-7-17).
  - (g) Approve Downtown Development Fund budgets and expenditures;
  - (h) Review and advise City Economic Development efforts;
  - (i) Review City Assessment efforts; and
  - (j) Perform other duties from time to time as may be set forth in the Municipal Code or as referred from the Common Council.
4. The Board of Public Works shall:
- (a) Maintain and monitor all forestry, facility, streets, alleys and Sewers, except as those statutorily commended to the Water or Wastewater Utility Commissions;

- (b) Recommend all public works construction bids or equipment purchases to the Common Council for action;
  - (c) Approve all requests to seek public works construction bids or purchases of Public Works, Forestry and Cemetery equipment; and
  - (d) Perform other duties from time to time as may be set forth in the Municipal Code or as referred from the Common Council.
5. The Public Safety and Code Enforcement Committee shall:
- (a) Recommend all Police and Fire Department equipment purchases to The Common Council;
  - (b) Review Police, Fire and Code Enforcement activity reports;
  - (c) Approve condemnation requests;
  - (d) Recommend code revisions to the Common Council; and
  - (e) Shall be designated as the Emergency Management Governing Body pursuant to sec. 6.07(1) of said Joint action Ordinance set forth in MMC 5-3-1, as amended. (Ord. 2008-2122 adopted 4-14-08)
  - (f) Perform other duties from time to time as may be set forth in the Municipal Code or as referred from the Common Council.
6. The Parks and Recreation Committee shall:
- (a) Be responsible for all public parks, parkways, boulevards, pleasure drives (scenic walkways, bicycle paths, or other such routes whether intended for vehicular or pedestrian traffic), and recreational facilities located within, or partly within and partly without, the City of Marinette and, subject to the general control and supervision of the Common Council of the City of Marinette, shall be responsible to govern, manage, control, improve and care for same and shall supervise the operation thereof.
  - (b) Make rules for its own affairs and facilities, and shall have general powers in the construction, extension, improvement and operation of parks, parkways, boulevards, pleasure drives and recreational facilities.
  - (c) May acquire in the name of the City for parks, parkway, boulevard, pleasure drive, or recreational purposes by gift, devise, or bequest, either absolutely or in trust, money, real or personal property, or any incorporeal right or privilege. Gifts to the City of money or other property, real or personal, either absolutely or in trust, for the purposes aforesaid, shall be accepted only after they

shall have been recommended by the Committee to the Common Council and approved by said Common Council by resolution. Subject to the approval of the Common Council, the Committee may 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 the purposes aforesaid.

- (d) Subject to the approval of the Common Council, the Committee may buy or lease lands in the name of the City for purposes aforesaid within or without the City and, with the approval of the Common Council may sell or exchange property no longer required for its purposes.
- (e) May conduct public concerts within its public parks and pay the expenses thereof out of the park fund. A fee for admission may be charged for the purpose of defraying such expenses in whole or in part.
- (f) Subject to the approval of the Common Council, the Committee may appoint a manager and may engage and hire employees necessary for the operation of any parks, parkways, boulevards, pleasure drives, recreational facilities, or facilities associated therewith and fix their compensation.
- (g) Shall, prior to October 1 in each year, make and estimate of the expenditures by said Committee during the ensuing calendar year including all necessary incidental expenses, and also an estimate of the amount necessary for the purchase of land for parks, parkways, boulevards, pleasure drives, and recreational facilities, and transmit the same to the Common Council. Such part of said estimates as the Council shall approve shall be included in the City budget. Said Committee shall transmit to the Common Council prior to March 1 of each year a full detailed report of all its transactions for the preceding year, together with an itemized account of all accounts and expenditures, a list of employees, and an inventory of property in charge of the Committee.
- (h) All moneys appropriated for park and recreational purposes, or received by subscription, gift, fees or otherwise for parks, parkways, boulevards, pleasure drives, or recreational property shall be paid over to the City Treasurer to pay accounts or bills that have been audited and allowed by said Committee and presented to the Finance Director. The Committee shall not contract any liability on the part of the City in excess of the budget authorized by the Common Council.

- (i) City Park Board functions enumerated in Wisconsin Statutes Section 27.08 shall be under the charge of this parks and Recreation Committee, who shall oversee all parks and park facilities. All of said oversight functions are subject to approval of the Common Council. (Ord. 2017-2368 adopted 12-6-16)

7. The Common Council reserves:

- (a) Budget approval and amendments;
- (b) Liquor license approval;
- (c) Ordinance approval;
- (d) Sale of land approval, including the Industrial Park;
- (e) Union contracts and modifications approvals;
- (f) Non-Union employee benefits and wages approvals;
- (g) All construction contracts approvals;
- (h) All equipment purchases approvals;
- (i) Acceptance or rejection of insurance claims;
- (j) Public Hearings;
- (k) Expenditure approval.

D. Committee Reports

1. All bills and other financial claims against the City shall be itemized and upon receipt thereof shall be examined by the Comptroller, or the person designated by him, and referred by the Clerk to the Committee on Finance for report thereon at the ensuing meeting of the Council. Exempt from this procedure are the payment of regular wages and salaries of officials and employees, payments of principal and interest on scheduled indebtedness, payment of scheduled payroll deductions, and other similar in nature which have been previously approved by the Council.
2. Each committee shall at the next regular Council meeting submit a report on all matters referred to it unless a longer time be granted by vote of the Council, and such report shall be entered in the proceedings. 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. In addition, the Water and Wastewater Utility Board shall submit to the Common Council each month, prior to its regular monthly meeting, a copy of the minutes of prior month's Water and Wastewater Utility Board monthly meeting(s). (Ordinance 2013-2245 adopted 3-5-13)
3. An aye and nay vote shall be taken on each committee report

immediately following its submission provided that any Alderperson may require a separate vote on any ordinance, resolution or other matter in any report.

4. The approval of a committee report in which the adoption of an ordinance, resolution, or other matter is recommended shall comprise final action on such ordinance, resolution or other matter providing that any ordinance recommended for adoption shall have had one full reading before the Council at a meeting of the Council, unless an action on an ordinance shall be taken pursuant to a meeting motion temporarily suspending the rules.

Cross Reference: Civic Affairs, Cemetery, Traffic and Lights Committee  
6.0510 (CEMETERY STRUCTURES)  
10.0140 (TEMPORARY CLOSING OF STREETS  
ADJACENT TO SCHOOLS)

Personnel and License Committee  
2.0302 (APPOINTED OFFICES)  
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3.0303 (ADVANCE NOTICE OF LEAVING CITY  
EMPLOYMENT)  
9.0217 (RESTRICTING ISSUANCE OF PROVISIONAL  
RETAIL LICENSE)  
9.0904 (CARNIVALS)

Finance and Insurance Committee  
3.0103 (CITY BUDGET)

Board of Public Works  
2.0402 (MEMBERSHIP)  
6.0210 (PLACEMENT OF STRUCTURES ON CITY OWNED  
RIGHT-OF-WAY)  
6.0301 (DRIVEWAYS)  
6.0411 (REMOVAL OF TREES AND STUMPS)  
6.0412 (PROTECTION OF TREES)  
8.0306 (YARD WASTE)  
8.0307 (BRUSH, LOGS, AND STUMPS)  
16.0420 (WATER AND SEWER EXTENSION OUTSIDE  
THE CITY)

Public Safety and Code Enforcement Committee  
9.0319 (DANGEROUS DOG)  
9.0320 (POTENTIALLY DANGEROUS DOG)  
16.0140 (RAZING OF STRUCTURES)  
16.0605 (HOUSING CODE)

## 2.0206 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 Common Council shall have the power to borrow funds for any operational expense or infrastructure improvement unrestricted by referendum approval unless required by State Statute. (Ordinance 2005-2040 Adopted 6-22-05)

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 contiguous to the City, by means other than condemnation, for industrial sites; may improve and beautify the same; may construct, own, lease, and maintain buildings on such property for instruction, recreation, amusement, and other public purposes; and may sell and convey such property. Condemnation shall be as provided by Ch. 32, Wis. Stats.

### 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. The Common Council may loan money to any school district located within the City or within which the City is wholly or partially located in such sums as are needed by such district to meet the immediate expenses of operating the schools thereof, and the Council of the district may borrow money from such City accordingly and give its note therefore. No such loan shall be made to extend beyond August 30 next following the making thereof or in an amount exceeding one-half (1/2) of the estimated receipts for such district as certified by the State Superintendent of Public Instruction and the local School Clerk. The rate of interest on any such loan shall be determined by the Common Council.

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.

**2.0207 COOPERATION WITH OTHER MUNICIPALITIES**

The Common Council, on behalf of the City, may join with other villages, cities, or counties 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.

State Law Reference: Section 66.0301 and 66.0303, Wis. Stats.

**2.0208 INTERNAL POWERS OF THE COUNCIL**

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

State Law Reference: Section 62.11(3)(a), Wis. Stats.

**2.0209 SALARIES**

The Mayor and the Alderpersons who make up the Common Council, whether operating under general or special law, may by majority vote of all the members of the Common Council determine that an annual salary be paid the Mayor and Alderpersons. Salaries heretofore established shall so remain until changed by ordinance and shall not be increased or diminished during their terms of office.

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

## **2.0210 MEETINGS**

- A. Reorganizational Meeting  
The Common Council shall meet on the third Tuesday of April for the purpose of re-organization.
- B. Regular Meetings  
Regular meetings shall be held on the first Tuesday of each month at 6:00 p.m. (Ord. 2015-2326 adopted 6-2-15).
- C. Election Day and Holidays  
Any regular meeting falling upon a legal holiday, contractual holiday or election day shall be held on the next following week day that is not a legal holiday, contractual holiday or election day at 7:00 p.m.
- D. Reschedule by Common Council  
Any meeting required to be held on a certain day in any given month may be rescheduled to another day in that month by the Common Council.
- E. Location  
All meetings of the Common Council shall be held at Marinette City Hall, unless relocated by vote of the Common Council.  
State Law Reference: Section 62.11(2), Wis. Stats.

## **2.0211 SPECIAL MEETINGS**

- A. The Mayor may call a special meeting by notifying members in a manner likely to give notice of the meeting and providing the notice at least 6 hours before the meeting. The Clerk shall cause an affidavit of service of such notice to be filed in his office prior to the time fixed for such special meetings. A special meeting may be held without such notice when all members of the Common Council are present in person, or consent in writing to the holding of such a meeting, provided the provisions of Wisconsin's Open Meeting Law are complied with. If written consent is obtained, it shall be filed with the Clerk prior to the beginning of the meeting. Attendance by any Council member shall be deemed a waiver on his part of any defect of notice.
- B. Upon petition of four (4) or more members of the Council, the Mayor, or in his absence the President of the Council, shall initiate a special meeting of the Council or a meeting of the Council as a committee of the whole for informal discussion.
- C. No other business shall be considered or transacted at any special meeting other than that for which the special meeting was called.  
State Law Reference: Wis. Stats. Section 62.11(2), 2017 Wisconsin Act 50

## **2.0212 OPEN MEETINGS**

All meetings shall be open to the public.



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

## **2.0213 QUORUM**

- A. Two-thirds (2/3) of the members-elect of the Common Council shall constitute a quorum, but a lesser number may adjourn if a majority is not present or compel the attendance of absent members. The Mayor shall not be counted in computing a quorum. No action shall be taken unless a quorum is present.
- B. The Council may, by a majority vote of those present, adjourn from time to time to a specific date and hour.

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

## **2.0214 PRESIDING OFFICERS**

- A. Mayor to be Presiding Officer

The Mayor, at the stated hour, shall call meetings of the Common Council to order. He shall preserve order and decorum, decide all questions of order, and conduct the proceedings of the meeting in accordance with the parliamentary rules contained in Robert's Rules of Order Revised, unless otherwise provided by statute or by these rules. Any member shall have the right of appeal from a decision of the presiding officer. The appeal may be sustained by a majority of the members present, exclusive of the presiding officer.

- B. President of the Council

If the Mayor is absent at the designated time for any meeting, 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, excepting that he shall not have the 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 an "Acting Mayor" for that meeting.

- C. 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 two-thirds (2/3) vote of the members present excluding the Mayor. In the absence of the Clerk, the presiding officer shall appoint a clerk pro tem.

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

Cross Reference: 2.0217 (Conduct of Deliberations)

## **2.0215 ORDER OF BUSINESS**

### **A. Order of Business**

At all regular meetings, the following order may be observed in conducting the business of the Common Council:

1. Call to Order by presiding officer;
2. Roll call;
3. Hearing comments and suggestions from citizens present, limited to five (5) minutes per citizen on agenda items only;
4. Reading and correcting the minutes of the last preceding meeting minutes;
5. Approval/acceptance of Standing Committee minutes;
6. Communications and recommendations of the Mayor;
7. Unfinished business from previous meetings;
8. Reports of the committees and City officers;
9. New business, including the introduction of ordinances and resolutions;
10. Miscellaneous business;
11. Adjournment.

### **B. Order to be Followed**

No business shall be taken up out of order unless by unanimous consent of all Alderpersons and in the absence of any debate whatsoever.

### **C. Roll Call; Procedure When Quorum Not In Attendance**

As soon as the Council shall be called to order, the Clerk shall proceed to call the names of members in alphabetical order, 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 may adjourn, and the presiding officer, or in case of his absence, the Clerk, may issue a process to any policeman commanding him forthwith to summon the absentees.

## **2.0216 INTRODUCTION OF BUSINESS**

### **A. Ordinances, Etc., to be in Writing**

All ordinances, resolutions, or other communications submitted to the Council shall be in writing and shall include at the outset a brief statement of the subject matter and a title. All written material introduced shall be read by the Clerk and then discussed and acted upon as the Common Council deems appropriate.

### **B. Subject and Numbering of Ordinances**

Each ordinance shall be related to no more than one (1) subject.

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

## **2.0217 CONDUCT OF DELIBERATIONS**

- A. The deliberations of the Common Council shall be conducted in the following manner:
1. When a motion is made and seconded, it shall be stated by the officer or read by the Clerk previous to debate. All resolutions shall be made and submitted in writing.
  2. When the question is under discussion no action shall be in order, except:
    - (a) to adjourn or recess;
    - (b) to lay on the table;
    - (c) to previous question;
    - (d) to postpone to a certain day;
    - (e) to refer to a committee;
    - (f) to amend; or
    - (g) to postpone indefinitely.
  3. These motions shall have precedence in the order listed  
Any member desirous of terminating the debate may move the question, in which event the Mayor or presiding officer shall announce the question as "Shall the main question now be put?" If two-thirds (2/3) of the members present vote in the affirmative the main question shall be taken without further debate and to bring the Council to a direct vote, first upon any pending amendments, and then upon the main question.
  4. A motion to adjourn shall always be in order, and a motion to adjourn, to recess, to lay on the table, and a call for the previous question shall be decided without debate.
  5. Any Alderperson may demand a yes or no (i.e. aye or nay or roll call) vote on any matter. On confirmation of appointments and on the adoption of any measure assessing or levying taxes, appropriating or disbursing money, or creating any liability or charge against the City, or any fund thereof, the vote shall be by yes or no.
  6. All aye and nay (i.e. yes or no or roll call) votes shall be recorded in the official minutes.
- B. The Board shall in all other respects determine the rules of its procedure, which shall be governed by Robert's Rules of Order, unless otherwise

provided by ordinance or statute and except as follows:

1. Every member previous to speaking shall, and address himself to the chair and upon being recognized may proceed, but not otherwise and no member shall speak more than ten (10) minutes at a time on any question.
2. No Alderperson shall address the Council until he has been recognized by the presiding officer. He shall thereupon address himself to the chairman and confine his remarks to the question under discussion and avoid all personalities.
3. When two (2) or more members simultaneously seek recognition, the presiding officer shall name the member who is to speak first.
4. No person other than a member shall address the Council except under order of business, and 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.
5. 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.
6. An Alderperson may not change his vote on any question after the result has been announced.
7. 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.
8. When feasible, four (4) days before each meeting of the Council, the Clerk shall supply to each Alderman at his residence a printed copy of the minutes of the preceding meeting. By majority action of those present, the Council may dispense with the reading of the minutes at the ensuing minutes.

State Law Reference: Section 62.11, Wis. Stats.

## **2.0218 RECONSIDERATION OF QUESTIONS**

When a question has been once decided, any member of the majority, or in case of a tie, any member voting in the affirmative, may move a reconsideration thereof at the same or at the next succeeding meeting except confirmation of the appointment of City officials. A motion to reconsider being put and lost shall not be renewed.

**2.0219 CALL OF THE COUNCIL**

A call of the Council may be ordered at any time by the request of two (2) or more members and absent members shall be sent for, but a call cannot be made after a meeting has commenced. When a call of the Council has been requested and ordered, the door be closed until the report of the policeman has been received and acted upon, or until further proceedings under the call are dispensed with by a majority of the entire Council. State Law Reference: Sec. 62.11(3)(b), Wis. Stats.

**2.0220 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 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: Section 62.11(4), Wis. Stats.

**2.0221 AMENDMENT OF RULES**

The rules of this Chapter or any part thereof may be temporarily suspended in connection with any matter under consideration by a recorded vote of two-thirds (2/3) of the members present.

**2.0222 ESTABLISHING FEES FOR SPECIAL MEETINGS**

- A. Purpose  
It is the purpose of this ordinance to deter the inefficient allocation of City resources by recovering those costs, including but not limited to, per diem costs, publication costs and administrative costs, when circumstances arise during which a requester desires to expedite action by a governing body before the next regularly scheduled meeting of said body. Special meetings of governing bodies containing voluntary citizen membership without compensation are generally discouraged.
- B. Fee Required  
A requester of any special meeting of a City of Marinette governing body shall pay an expedition fee before the special meeting will be scheduled.
- C. Exceptions  
Subparagraph (b) shall not apply when:
  - 1. The requester proves the extraordinary circumstances that prevented the new business from being timely submitted to a regularly scheduled meeting

of the governing body as well as the extraordinary circumstances that prevent the new business from being postponed until the governing body's next regularly scheduled meeting and said proof is explained in writing; or

2. The requester is a city official, seeking official action on City business stemming from the normal course of the official's duties.

D. Fee Amount

The expedition fee shall be as set forth in the fee schedule under Section 9.1302 (Schedule A) and may be revised from time to time as the Common Council may determine.

E. Refund

The payment of an expedition fee does not obligate the governing body to meet when it is unable to do so or when the special meeting is not feasible. At all times, whether a special meeting of a public body is held shall be in the sole and absolute discretion of the City subject to any other applicable statutes and ordinances. After a determination that a special meeting will not occur, a refund of the expedition fee shall be repaid to the requester, except for that portion of the fee disbursed by the City in good faith reliance of the request.

F. Definitions

For this subsection, the following terms shall be defined as follows:

1. "Special Meeting" means an open meeting of any governing body of the City of Marinette, requiring public notice, other than a regularly scheduled meeting.
2. "Extraordinary Circumstances" does not include a lack of planning or preparation on behalf of the requester to timely submit the new business before the governing body. "Extraordinary Circumstances" shall be determined on a case-by-case basis by the City official department head through whose office the request originated, subject to review by the City Attorney or City Attorney's designee.

## **2.0300 MUNICIPAL OFFICERS AND EMPLOYEES**

### **2.0301 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 him by the Council. Officers whose powers and duties are not enumerated in Chapter 62 of the Wisconsin Statutes, shall have such powers and duties as are prescribed by law for like officers or as are directed by the Council.
- B. All officers and departments may make the necessary rules for the conduct of their duties and incidental proceedings.
- C. The general laws for the punishment of bribery, misdemeanors, and corruption in office, shall apply to City officers.
- D. Whenever a City official in his official capacity proceeded against or obliged to proceed before any Court, Board, or Commission, to defend or maintain his official position, or because of some act arising out of the performance of his official duties, and he has prevailed in such proceedings, or the Council has ordered the proceedings discontinued, the Council may provide for payment to such official such sum as it sees fit, to reimburse him for the expenses reasonably incurred for costs and attorney's fees.
- E. City officers must observe the standards of care imposed by Section 19.21, Wis. Stats., with respect to the care and custody of official property.
- F. Residency

All non-probationary full time employees of the City of Marinette and/or City of Marinette Water Utility shall, within six months of the date of employment, establish residency in the State of Wisconsin. .

Any employee of the City of Marinette or City of Marinette Water Utility who is classified as a Law Enforcement Officer, Firefighter or “emergency personnel” (defined as employees who are snow plow drivers, utility staff, administrators and Department Heads), shall maintain a bona fide residence within a fifteen mile radius of the jurisdictional boundary of the City of Marinette in the State of Wisconsin.

However, if a Law Enforcement Officer, Firefighter or “emergency personnel” (defined as employees who are snow plow drivers, utility staff, administrators and Department Heads), who was an employee of the City of Marinette or City of Marinette Water Utility on July 2, 2013 had, prior to July 2, 2013, previously established residency within 20 miles of Marinette City Hall in Marinette County, Wisconsin, pursuant to the City of Marinette’s prior residency ordinance no. 2.0301F (said ordinance having been pre-empted on July 2, 2013 by Wis.Stats.Sec. 66.0502 entitled “Employee Residency Requirements Prohibited”, enacted July 2, 2013),

then said employee shall be “grandfathered” for residence purposes and shall be allowed to reside during the term of their future employment with the City of Marinette or Marinette Water Utility, at the address at which they resided on July 2, 2013, within 20 miles of Marinette City Hall in Marinette County, Wisconsin. Continuation of this “grandfathered” residency shall not be considered a violation of this ordinance, as long as said employee continues to maintain residency at the same address at which they resided on July 2, 2013. If said employee were to fail to maintain the residence they had established as of July 2, 2013, then said Law Enforcement Officer, Firefighter or “emergency personnel” (defined as employees who are snow plow drivers, utility staff, administrators and Department Heads), would have to immediately maintain a bona fide residence within fifteen miles of the jurisdictional boundary of the City of Marinette. (Ordinance 2013-2270 adopted 11-5-13)

Any employee who fails to comply with the residency requirements of this ordinance shall be terminated as a failure to meet a condition of employment.

State Law Reference: Wis.Stats. Sec. 66.0502

## **2.0302 ELECTED OFFICIALS; APPOINTMENT AND TERMS OF OFFICE**

### **A. Appointed Officials**

The following offices of the City of Marinette shall be appointed offices:

1. Assessor/Building Inspector
2. City Attorney
3. Superintendent of Public Works
4. City Clerk
5. Code Enforcement Officer
6. Director of Public Works (Includes statutory duties of Engineer.)
7. Repealed (Ordinance 2013-2241 adopted 3-5-13)
8. Finance Director-Treasurer (Includes statutory duties of Comptroller.)

### **B. Appointment**

All applications or nominations of candidates for nonelective offices shall be reviewed by the Personnel Committee of the Common Council, of which Committee the Mayor shall be an ex officio and voting member. Said Committee shall make recommendations regarding said applications or nominations to the Mayor, who shall select and appoint one (1) candidate to the office in question. Said appointment shall be subject to confirmation by the Common Council.

### **C. Nonelective officers, once appointed and confirmed, shall continue in their respective offices until retirement, voluntary termination, or involuntary termination by law or pursuant to general ordinance or resolution enacted by**



the Common Council. (Charter Ordinance, October 6, 1981 and December 1, 1992)

**2.0303 CLERK**

The office of Clerk is hereby created. The Clerk shall perform all duties required by Wisconsin Statutes Section 62.09(11), other applicable statutes, the Cemetery/Mausoleum administrative duties and as directed by the Mayor and Common Council. The duties of the Clerk shall be further defined in the position description created by David M. Griffith & Associates, Ltd. as amended from time to time, which is incorporated herein by reference. The individual holding the former office of Clerk-Treasurer shall serve as the first Clerk.

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

**2.0304 FINANCE DIRECTOR-TREASURER**

The office of Finance Director is hereby created. The Finance Director-Treasurer shall perform all statutory duties of the Comptroller required by Wisconsin Statutes Section 62.09(10)(a), all statutory duties of the Treasurer required by Wisconsin Statutes Section 62.09(9)(a), all duties required by other applicable statutes, and as directed by the Mayor and Common Council. The duties of the Finance Director-Treasurer shall be further defined in the position description created by David M. Griffith & Associates, Ltd. as amended from time to time, which is incorporated herein by reference. The individual holding the former office of Finance Director shall serve as the first Finance Director-Treasurer.

**2.0305 SUPERINTENDENT OF PUBLIC WORKS**

The office of Superintendent of Public Works is hereby created as a division head who shall report to the Director of Public Works. The duties of the Superintendent of Public Works shall include the supervision of the streets, refuse, sanitation operations, cemetery, parks and forestry, and which duties shall be further defined in the position description created by David M. Griffith & Associates, Ltd. as amended from time to time, which is incorporated hereby by reference.

**2.0306 CITY ATTORNEY**

A. The City Attorney shall have the following duties:

1. The Attorney shall conduct all of the legal business in which the City is interested, and shall be the legal adviser to the Common Council and all City officers, boards, and commissions.
2. He shall, when requested by City officers, give written legal opinions, which shall be filed with the Clerk.
3. He shall draft ordinances, bonds, and other instruments as may be required by City officers.

4. He shall examine the tax and assessment rolls and other tax proceedings and advise the proper City officers in regard thereto.
5. The Council may employ and compensate special counsel to assist in or take charge of any matter in which the City is interested.
6. The City Attorney shall perform such other duties as provided by State law and as designated by the Common Council.

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

**2.0307 RESERVED FOR FUTURE USE**

**2.0308 DIRECTOR OF PUBLIC WORKS**

The office of Director of Public Works is hereby created. The duties of the Director of Public Works shall be further defined in the position description created by David M. Griffith and Associates, Ltd. as amended from time to time, which is incorporated herein by reference. The Director of Public Works shall be a voting member of the Board of Public Works (Section 2.0402) and the Plan Commission (Section 2.0409). The Director of Public Works shall perform all duties of the City Engineer required by Wisconsin Statutes and the Marinette Municipal Code.

**2.0309 ASSESSOR/BUILDING INSPECTOR**

- A. The Assessor/Building Inspector shall be appointed according to the provisions of Sec. 2.0302.
  1. The Assessor/Building Inspector shall be certified by the Wisconsin Department of Revenue, pursuant to Sec. 73.09, Wis. Stats., as qualified to perform the functions of assessor.
  2. The Assessor/Building Inspector or his designee shall issue all permits required by law or this Municipal Code for building or heating work done within the City. He or his authorized designee shall have the power and authority at all reasonable hours, for any proper purpose, to enter upon private or public premises and make inspection thereof and to require the production of any required permit.

State Law Reference: Sections 19.01, 62.09(1)(c) and (d), 70.49, and 73.09, Wis. Stats.

**2.0310 MUNICIPAL JUDGE; MUNICIPAL COURT**

- A. Established
 

Pursuant to the authority granted by Chapter 755, Wisconsin Statutes, there is hereby established the Municipal Court for the City of Marinette, Wisconsin.
- B. Office of Municipal Judge Created
 

Pursuant to the authority granted by Chapter 755, Wisconsin Statutes, there is hereby created the office of Municipal Judge for the Municipal Court for the City of Marinette, Wisconsin.

C. Election; Term

The term of office for the City of Marinette Municipal Judge shall be three (3) years and shall commence on May 1 in the year of his or her election, commencing in 2011. The Municipal Judge shall be subject to the Wisconsin Code of Judicial Ethics and shall file an annual financial statement.

D. Salary

The salary of the Municipal Judge may be increased for a new term prior to the beginning of the term for the Judge, or for the second year of a term before the start of the second year of the term of the Judge, but the salary shall not be decreased during a 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 Section 755.03, Wis. Stats., and filed under Section 19.01(4)(c) of the Wisconsin Statutes, as amended.

E. Bond; Oath

1. The Municipal Judge shall, after election, take and file the official oath and at the same time execute and file an official bond in the amount of Ten Thousand (\$10,000.00) Dollars with the Clerk of Circuit Court, Marinette County.
2. The Clerk of Circuit Court within ten (10) days after the filing of the Judge's oath and bond execute and mail to the Clerk, City of Marinette, a certified copy of the bond for the office of Municipal Judge, which shall be filed and preserved in the Clerk's Office as presumptive evidence of the newly elected judges sureties.
3. The Clerk of Circuit Court shall also file a certified copy of the oath with the office of Administration of Courts within the ten (10) day time period.
4. The Municipal Judge shall not act as Judge until such time as the oath and bond has been filed as referred by Sec. 19.01(4)(c), Wis. Stats.

F. Jurisdiction of Municipal Court

1. The jurisdiction of the Marinette Municipal Court Judge is limited to misdemeanors. This includes traffic offenses and City ordinance violations. The Municipal Court is authorized to impose forfeitures, court costs, State penalty assessments, and miscellaneous fees related to the cost of prosecution. The Municipal Judge shall have jurisdiction as is provided in Sec. 755.045, Wis. Stats.
2. Jail sentences, not to exceed ninety (90) days, may be imposed by the Municipal Judge when the defendant fails to appear in Court as ordered or fails to pay the penalty imposed by the Court within the grace period the Judge has stayed the payment. Persons claiming "indigence" must prove to the Court that an indigent condition exists in each case.

G. Procedure in Municipal Court

1. The procedure in Municipal Court for the City of Marinette shall be provided by this ordinance and State law, including, but not by way of limitation, Chapters 62, 66, 755, and 800 of the Wisconsin Statutes.
2. The Municipal Court Office for the City of Marinette shall be opened daily, except for Saturday, Sunday, and legal holidays during the same hours all City Hall Offices are open.
  - (a) The Municipal Judge shall, in writing, appoint such Clerk and Deputy Clerks as are authorized by the Common Council. The salary of the Clerk of Municipal Court may be fixed by the Common Council. The Clerk(s) shall, before entering upon the duties of their office, take the oath provided by Sec. 19.01, Wis. Stats., and be placed under a Ten Thousand (\$10,000.00) Dollar bond, the cost of which shall be borne by the City. Oath and bonds of the Clerk of Municipal Court shall be filed with the City Clerk.
  - (b) The Clerk of Municipal Court shall accept bonds for appearance, collect forfeitures and other costs assessed by the Court, and conduct all other administrative business under the Court's jurisdiction.
  - (c) The Municipal Judge shall keep his office and hold court sessions in the City Hall. Court sessions such as initial appearances and trials shall be scheduled by the Judge during regular working hours. Evening sessions may also be scheduled at the discretion of the Judge. Frequency of the sessions shall provide that all cases are scheduled for initial appearances no later than twenty-one (21) days after being issued a citation.

H. Fees

1. Forfeitures, court costs, penalty assessments, and miscellaneous charges levied by the Court shall be collected by the court and deposited in the Municipal Court checking or savings account.
2. Bonds for appearance, partial payments, and other funds collected by the Court shall be treated as escrow funds and deposited in the Municipal Court checking or banking account.
3. After final disposition of a case has been made, all monies collected shall be paid over to the Marinette City Treasurer no later than the fifteenth (15th) day of the following month after the cases have been closed out.

I. Council May Abolish Municipal Court

The City 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. Contempt of Court

1. The Municipal Judge may punish for contempt of Municipal Court persons guilty of any of the following acts. "Contempt of Court" means intentional:
  - (a) misconduct in the presence of the court which interferes with the court proceeding or with the administration of justice, or which impairs the respect due the court;
  - (b) disobedience, resistance, or obstruction of the authority, process or order of the court (including refusal to pay a court-imposed forfeiture);
  - (c) refusal as a witness to appear, be sworn, or answer a question; or
  - (d) refusal to produce a record, document, or other object.
2. The Municipal Judge may, upon finding any person guilty of contempt of court, order such person to forfeit not more than Fifty Dollars (\$50.00). In default of payment of the forfeiture and the penalty assessment imposed by State Statute, the person found guilty of contempt may be imprisoned in the County Jail not to exceed seven (7) days.

## K. Statutes Adopted by Reference

Chapters 755 and 800, Wis. Stats are hereby adopted by reference.

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

## 2.0311 FIRE CHIEF

### A. Appointment

The Police and Fire Commission shall appoint the Fire Chief, who shall hold that office during good behavior, subject to suspension or removal by the Police and Fire Commission for cause.

### B. Duties and Powers

The Chief shall have general supervision of the Fire Department personnel, apparatus, and equipment, subject to the ordinances of the City. He shall command all fire fighting operations. He shall enforce or cause to be enforced all fire prevention ordinances, laws, and regulations of the City and State. The Fire Chief may make such further rules, regulations, and policies for the government of the Fire Department as he may deem necessary, provided such rules and regulations shall not be inconsistent with the laws of the State of Wisconsin.

### C. Reports of Chief

The Fire Chief shall report to the Police and Commission from time to time at his discretion or upon the request of said Commission 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.

State Law Reference: Section 62.13, Wis. Stats.

## 2.0312 CHIEF OF POLICE

### A. Appointment

The Police and Fire Commission shall appoint the Chief of Police, who shall hold that office during good behavior, subject to suspension or removal by the Police and Fire Commission for cause.

### B. Duties

In addition to the duties imposed upon him by State law, the Chief of Police shall:

1. Cause to be maintained accurate records of complaints, crimes, accidents, ordinance violations, arrests, summons, incidents, and calls for police service and shall provide a system of periodic summary and analysis to ensure the most efficient and effective deployment and use of the Department's resources. He shall submit or cause to be submitted to the various agencies such reports and summaries as are required by the Wisconsin Statutes or ordinances and shall participate in voluntary programs designed to improve law enforcement and public safety.
2. Submit such reports and comply with such procedures as may be prescribed by the Common Council relative to fiscal and administrative matters.
3. Have exclusive control of the assignment, hours of duty, and transfer of all members of the Department.
4. Plan, organize, staff, direct, and control all of the human and material resources of the Department for the most effective and efficient discharge of its duty to protect persons and property, preserve the peace, protect the rights of citizens, and enforce the Wisconsin Statutes and the ordinances of the City of Marinette as are within its jurisdiction. He shall supervise the preparation and presentation of annual reports and budgets for the Police Department.
5. Strive to maintain suitable, productive relationships with other City departments and with other governmental agencies and private organizations concerned with law enforcement, crime prevention, administration of justice, and public safety. He shall cooperate and exchange information with other City departments in matters relating to their various functions.
6. Plan and execute programs designed to prevent and repress crime, apprehend and prosecute offenders, recover property, and regulate non-criminal conduct, giving highest priority in the allocation of resources to crime and other offenses most hazardous to life and property.

### C. Custody of Department Equipment

The Chief of Police shall be custodian of all City property, equipment, and supplies under the control of, or used by, the Police Department, and shall be responsible for the care, maintenance, safe guarding, and accurate records of such property, equipment, and supplies.

D. Custody of Department Property

The Chief of Police shall be the custodian of all property and shall be responsible for the safekeeping, lawful disposition, and accurate record of the same. He shall see that all property is returned to its lawful owner or otherwise disposed of according to the applicable statutes.

State Law Reference: Section 62.09(13) and 62.13, Wis. Stats.

**2.0313 CODE ENFORCEMENT OFFICER**

A. There is hereby created the office of Code Enforcement Officer of the following Municipal Codes:

1. The Housing Code which is Chapter 16, Section 16.0600 of the Municipal Code of the City of Marinette.
2. The Electrical Code and Plumbing Code, which are Chapter 16, Sections 16.0300 and 16.0400 of the Municipal Code of the City of Marinette.
3. The Health Code, which is Chapter 8, Section 1.0100 of the Municipal Code of the City of Marinette.

B. The Code Enforcement Officer is hereby authorized to inspect and enforce the above named Housing, Health, and Plumbing Codes according to the provisions of the ordinances creating them.

C. The Code Enforcement Officer shall be appointed by the Mayor subject to confirmation by the Council and shall report and be responsible to the Mayor and to the Board of Health.

D. The salary of the Code Enforcement Officer shall be determined and fixed by the Council.

E. Any person who shall knowingly resist, obstruct, or interfere with Enforcement Officer, or his deputy, in the performance of his duties as Code Enforcement Officer and while such Code Enforcement Officer is doing any act in his official capacity and with lawful authority, shall, upon conviction thereof, be subject to the general penalty for this Municipal Code contained in Section 1.0107.

**2.0314 DIRECTOR OF RECREATION**

A. Appointment

There is hereby created a Department of Recreation which shall be supervised by a Director of Recreation, who shall be responsible to the Parks and Recreation Committee as well as the Mayor. The Director of Recreation shall have full responsibility for the operation of the Department and shall have vested in him such other powers and duties normally bestowed on a department head of the City government.

B. Duties

The Director of Recreation shall direct and manage all municipal recreation activities and in accordance with the ordinances adopted by the Council, regulations approved by the Parks and Recreation Committee, and the orders of the Mayor. It shall be the further responsibility of the Director of Recreation to plan, organize, coordinate, and direct a comprehensive program of recreational activities and usage of recreational facilities.

**2.0315 REPEALED**

(Ordinance 2013-2241 adopted 3-5-13)

**2.0316 REPEALED**

(Ordinance 2013-2241 adopted 3-5-13)

**2.0317 EXECUTIVE DIRECTOR OF RECREATION AND EVENTS**

There is hereby created an Executive Director of Recreation and Events, who shall report to the Mayor. The Executive Director of Recreation and Events duties shall include the planning, development, administration, management, promotion and evaluation of recreation programs, as well as supervision of recreation facilities for the City of Marinette. In addition, this position shall oversee activities for all facility events; shall direct and coordinate the activities of employees engaged in providing event coordination, telecommunications, technical support, audio-visual services, food & beverage, event security, fire regulation compliance, box office, marketing, and overall client satisfaction during events. In addition, this position shall manage and participate in the development and implementation of goals, objectives, policies, and priorities of all event related programs and activities, and shall develop and manage the operating budget.

**2.0318 UNIFORM HIRING POLICY**

- A. Except as otherwise provided by State Statutes, all departments, boards, and commissions, shall be governed by a uniform policy for hiring non-management employees as outlined below.
- B. An eligibility list or lists shall be established and maintained by the Personnel and License Committee by means of such testing and screening as it deems appropriate.
- C. A vacancy in a position governed by a board or commission shall be filled according to this paragraph. The Personnel and License Committee, with input from the appropriate department head, shall recommend a list of candidates to the board or commission. The board or commission may select a candidate from the list.
- D. All other Department Head/Division Head vacancies shall be filled by the Personnel and License Committee with input from the appropriate department head. Non-management employee vacancies shall be filled by the Mayor with input from the appropriate Department Head.



- E. A vacancy in a position requiring special skills or qualifications not represented on existing prospective employee lists shall be handled by the Personnel and License Committee, department head, and if applicable, the appropriate board or commission, on a case-by-case basis.

**2.0319 CRIMINAL HISTORY/BACKGROUND CHECKS FOR PROSPECTIVE CITY EMPLOYEES**

The requirements of this section are in addition to any other rules or ordinances pertaining to employment with the City of Marinette. In order to be considered for employment with the City of Marinette, a job applicant shall sign an authorization allowing a criminal history/background check. No person may be employed by the City of Marinette until he or she has undergone a criminal history/background check.

**2.0400 BOARDS, COMMISSIONS, AND COMMITTEES**

**2.0401 BOARD OF REVIEW**

A. Composition

The membership of the Board of Review shall consist of five (5) residents of the City of Marinette none of whom occupy any public office in the City of Marinette municipal government or who are publicly employed by the City Marinette; said members to be appointed by the Mayor subject to the confirmation of the City Council. Three (3) members shall have concurrent two (2) year terms and two (2) members shall have concurrent three (3) year terms. In addition to the five regular members, the Mayor shall appoint, subject to confirmation by the City Council, an alternate member for a term of three years who shall act with full power when a regular member refuses or is unable to vote on any given matter.

B. Duties

The duties and functions of the Board of Review shall be as prescribed Sections 70.46 and 70.47, Wis. Stats. Members of the Board of Review shall receive Seventy-five Dollars (\$75.00) per diem.

C. Meetings

The Board of Review shall meet annually any time during the 30 day period beginning on the second Monday of May at the City Hall of the City of Marinette, and notice of such meeting shall be published pursuant to the State Statutes. The Board may adjourn from day to day or from time to time, until such time as its business is completed, providing that adequate notice of each adjournment is so given.

D. Confidentiality of Income Approach Information

Pursuant to WI-ST Section 70.47(7)(af), any information about income or expenses that is provided to the Assessor shall be confidential except for persons using the information in the discharge of duties imposed by law or of the duties of their office or by order of a court. Any such information provided, unless a court determines that it is inaccurate, is not subject to the right of inspection or copying under WI-ST Sec. 19.35(1).

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

**2.0402 BOARD OF PUBLIC WORKS**

- A. There is hereby created a Board of Public Works consisting of the City Attorney, the Mayor of the City, the Director of Public Works, the City Comptroller, and five (5) members of the Council to be appointed by the Mayor. The City Clerk shall serve as the Board's recording secretary. The five (5) members of the Council shall hold annual terms.
- B. The members of the Board of Public Works shall, on the first Tuesday of May of each year, choose a president of the Board from their number.
- C. It shall be the duty of the Board of Public Works, under the direction of the Common Council, to superintend all facilities, and forestry functions and keep the streets, alleys, sewers, and public works and places in repair. Except for the statutory public construction functions of the Board of Public Works, the Water and Wastewater Utilities shall maintain and manage their own facilities.
- D. The salaries of the City Attorney, Mayor, and Director of Public Works, respectively, shall be in full for their services as members of such Board.

State Law Reference: Sections 62.14, 62.15 and 62.16, Wis. Stats.

**2.0403 MARINETTE WATER UTILITY AND COMMISSION**

- A. Definition  
The Marinette Water Utility (the "Utility") shall consist of all water collection, storage, purification, and distribution facilities and operations owned or controlled by the City of Marinette.
- B. Creation of Board  
The Marinette Water Utility Commission (the "Commission") is hereby created.
- C. Members
  - 1. The Commission shall consist of seven (7) members who shall be appointed by the Mayor subject to approval by the Common Council. Five (5) members shall be citizen members, each of whom shall be a resident of the City of Marinette. One (1) member shall be an alderperson on the Board of Public Works. One (1) member shall be an alderperson. Each member shall serve a first term beginning on the day of confirmation by the Common Council or upon effective date of this ordinance, whichever is later, and ending as follows:

<u>NO. OF COMMISSION MEMBERS</u>	<u>END OF FIRST TERM (ON THE DAY IMMEDIATELY PRECEDING THE 3<sup>RD</sup> TUESDAY IN APRIL IN ANY GIVEN YEAR)</u>
TWO CITIZEN MEMBERS	1996

TWO CITIZEN MEMBERS	1997
ONE CITIZEN MEMBER	1998
ALDERPERSON-BPW MEMBER	1996
ALDERPERSON MEMBER	1996

2. Except for the Alderperson-Board of Public Works member and the Alderperson member, after the first term, all terms of office shall be for three (3) years and shall expire on the day immediately preceding the third Tuesday in April of the third year after appointment. With regard to the Alderperson-Board of Public Works member and the Alderperson member, these shall be annual appointments which shall end each year on the day immediately preceding the third Tuesday in April.
3. The Mayor, subject to the approval of the Common Council, shall forthwith appoint a qualified successor to the Board for the unexpired term of any vacancy.

D. Officers and Organization

The Commission shall meet and organize within thirty (30) days after the appointment of the original members and shall elect from among their members a Chairperson and Secretary and shall meet thereafter at least monthly. Thereafter annually, at its first meeting following the third Tuesday in April, the Commission shall elect a Chairperson and Secretary. The Commission shall make additional rules for its own proceedings.

E. Conflict of Interest

No person shall be eligible to be a member of the Commission, or to hold any office or position in the Utility, who has a pecuniary interest in any contract for the furnishing of goods or services to or for the Utility or the City of Marinette. Any such office or position shall become vacant upon the acquiring of any such interest.

F. Management

Except as otherwise stated herein, the Commission shall take entire charge and management of the Utility and shall supervise its operation.

G. Administrator and Employees

The Commission shall set the salary and fringe benefits of Utility Operations Manager who shall be an employee of the Marinette Water Utility. This shall be a management position, exempt from the overtime provisions of the Fair Labor Standards Act (FLSA). However, the Utility Operations Manager, shall be appointed by the Personnel & License Committee, the Mayor and the Common Council utilizing the methodology described in Marinette Municipal Code Section 2.0302B, unless said hiring procedure is waived by the Common Council and the task of hiring the Operations Manager is delegated to the Water and Wastewater Utility Commission. The Utility Operations Manager shall serve at the pleasure of

the Mayor, but shall also take direction from, and shall report to the Mayor and Chairperson of the Marinette Water Utility Commission. As the Utility Operations Manager's time will be equally divided between the Water Utility and the Wastewater Utility, the cost of the salary and benefits of the Operations Manager shall be divided equally between the Water Utility and the Wastewater Utility. The Commission may engage other necessary employees and fix their compensation and fringe benefits. As to these other necessary employees, the Utility shall be exempt from Section 2.0318 entitled "Uniform Hiring Policy". (Ordinance 2008-2130 adopted 7-1-08) (Ordinance 2013-2272 adopted 12-19-13) (Ordinance 2014-2280 adopted 3-19-14).

H. Services of City Officials

The Utility, when necessary, may utilize the services of the City Engineer, City Attorney, and other officials and employees. In such case the General Fund shall be reimbursed by the Utility for the cost of such services.

I. Accounts and Receipts

The Utility shall keep books of account and maintain funds in the manner and form prescribed as appropriate for its operation by the auditors for the City of Marinette and the Wisconsin Public Service Commission, which shall be audited at least annually.

J. Budget

The Commission shall prepare, approve, and implement an annual budget. The Common Council shall receive a copy of the budget for informational purposes only.

K. Rates

The Commission, in consultation with its auditors, shall request rate adjustments when deemed appropriate by the Commission.

L. Public Construction

Public construction, as defined in Wisconsin Statutes Section 62.15, shall be approved by the Commission, the Board of Public Works, and the Common Council. Public construction contracts shall be signed by the Mayor and the Commission Chairperson. The Commission shall supervise any such public construction, including change orders and changes in scope of work.

M. Borrowing

Any borrowing of funds shall be approved by the Commission and the Common Council. Unless otherwise required by law, all borrowing documents shall be signed by the Mayor and the Commission Chairperson.

N. Contracts

The Commission Chairperson shall have the authority to sign all other Utility contracts, including collective bargaining agreements, not otherwise specifically mentioned in this ordinance.

O. Title to Real Estate

Any real estate necessary for the future operation of the Utility shall be acquired in the name of the City of Marinette.

P. Other City Ordinances

Unless otherwise stated above, the Utility shall continue to be governed by all other City ordinances, including Section 2.0301(F) requiring residency as a condition of employment.

**2.0404 MARINETTE WASTEWATER UTILITY AND COMMISSION**

A. Definition

The Marinette Wastewater Utility (the "Utility") shall consist of all wastewater collection and treatment facilities and operations owned or controlled by the City of Marinette.

B. Creation of Board

The Marinette Wastewater Utility Commission (the "Commission") is hereby created.

C. Members

1. The Commission shall consist of seven (7) members who shall be appointed by the Mayor subject to approval by the Common Council. Five (5) members shall be citizen members, each of whom shall be a resident of the City of Marinette. One (1) member shall be an alderperson on the Board of Public Works. One (1) member shall be an alderperson. Each member shall serve a first term beginning on the day of confirmation by the Common Council or upon effective date of this ordinance, whichever is later, and ending as follows:

<u>NO. OF COMMISSION MEMBERS</u>	<u>END OF FIRST TERM (ON THE DAY IMMEDIATELY PRECEDING THE 3<sup>RD</sup> TUESDAY IN APRIL IN ANY GIVEN YEAR)</u>
TWO CITIZEN MEMBERS	1996
TWO CITIZEN MEMBERS	1997
ONE CITIZEN MEMBER	1998
ALDERPERSON-BPW MEMBER	1996
ALDERPERSON MEMBER	1996

2. Except for the Alderperson-Board of Public Works member and the Alderperson member, after the first term, all terms of office shall be for three (3) years and shall expire on the day immediately preceding the third Tuesday in April of the third year after appointment. With regard to the Alderperson-Board of Public Works member and the Alderperson member, these shall be annual appointments which shall end each year on the day immediately preceding the third Tuesday in April.

3. The Mayor, subject to the approval of the Common Council, shall forthwith appoint a qualified successor to the Board for the unexpired term of any vacancy.

D. OFFICERS AND ORGANIZATION

The Commission shall meet and organize within thirty (30) days after the appointment of the original members and shall elect from among their members a Chairperson and Secretary and shall meet thereafter at least monthly. Thereafter annually, at its first meeting following the third Tuesday in April, the Commission shall elect a Chairperson and Secretary. The Commission shall make additional rules for its own proceedings.

E. CONFLICT OF INTEREST

No person shall be eligible to be a member of the Commission, or to hold any office or position in the Utility, who has a pecuniary interest in any contract for the furnishing of goods or services to or for the Utility or the City of Marinette. Any such office or position shall become vacant upon the acquiring of any such interest.

F. MANAGEMENT

Except as otherwise stated herein, the Commission shall take entire charge and management of the Utility and shall supervise its operation.

G. EMPLOYEES

The Common Council may engage other necessary employees and fix their compensation and fringe benefits, as Wastewater employees have been, and shall continue to be, employees of the City of Marinette whose salaries and benefits are paid by the Wastewater Utility/ratepayers. (Ordinance 2014-2280 adopted 3-19-14).

H. SERVICES OF CITY OFFICIALS

The Utility, when necessary, may utilize the services of the City Engineer, City Attorney, and other officials and employees. In such case the General Fund shall be reimbursed by the Utility for the cost of such services.

I. ACCOUNTS AND RECEIPTS

The Utility shall keep books of account and maintain funds in the manner and form prescribed as appropriate for its operation by the auditors for the City of Marinette and the Wisconsin Public Service Commission, which shall be audited at least annually.

J. BUDGET

The Commission shall prepare, approve, and implement an annual budget. The Common Council shall receive a copy of the budget for informational purposes only.

K. RATES

The Commission, in consultation with its auditors, shall make rate adjustments when deemed appropriate by the Commission.

L. PUBLIC CONSTRUCTION

Public construction, as defined in Wisconsin Statutes Section 62.15, shall be approved by the Commission, the Board of Public Works, and the Common Council. Public construction contracts shall be signed by the Mayor and the Commission Chairperson. The Commission shall supervise any such public construction, including change orders and changes in scope of work.

M. BORROWING

Any borrowing of funds shall be approved by the Commission and the Common Council. Unless otherwise required by law, all borrowing documents shall be signed by the Mayor and the Commission Chairperson.

N. CONTRACTS

The Commission Chairperson shall have the authority to sign all other Utility contracts, including collective bargaining agreements, not otherwise specifically mentioned in this ordinance.

**2.0405 BOARD OF POLICE AND FIRE COMMISSIONERS**

A. Composition

There is created a Board of Police and Fire Commissioners which shall consist of five (5) citizens, three (3) of whom shall constitute a quorum. The Mayor shall annually, between the last Monday of April and the first Monday in May, appoint in writing to be filed with the Secretary of the Commission, one (1) member for a term of five (5) years. No appointment shall be made which will result in more than three (3) members of the Commission belonging to the same political party.

B. Appointment of Chief of Police and Fire Chief

The Commission shall appoint the Chief of Police and Fire Chief who shall hold that office during good behavior, subject to suspension or removal by the Commission for cause.

C. Meetings

The Police and Fire Commission shall meet at least annually during the month of May following the first Monday in May to appoint a Chairman and Secretary. The Commission shall meet at other times as deemed necessary by the Commission to fulfill its hiring, promotion, and disciplinary duties under Wisconsin Statutes Section 62.13.

D. Organization

The Police and Fire Commission shall appoint a chairman and a secretary from among their members who shall hold office for a term of one (1) year.

The Commission shall keep a record of all of its proceedings.

E. Management Authority

The Chief of Police and Fire Chief shall have the authority to hire subordinates, terminate a subordinate's employment, or promote the subordinate subject to confirmation by the Commission.

F. Department Polices, Rules and Procedures

The Police Chief and Fire Chief shall have the power to adopt and change rules and regulations governing their Department.

G. Statutes Incorporated

The provisions of Section 62.13 of the Wisconsin Statutes and all acts amendatory thereto so far as the same are applicable are hereby incorporated herein and shall be effective in the same manner as if set forth in full herein. The term "Board" which appears in Section 62.13 shall be for the purpose of this Section interpreted to mean the Police and Fire Commission.

State Law Reference: Section 62.13, Wis. Stats.

**2.0406 RESERVED FOR FUTURE USE**

**2.0407 BOARD OF HEALTH**

A. Members

There is hereby created a Board of Health to consist of seven (7) members. Five (5) members shall be appointed by the Mayor subject to the approval of the Council, and one (1) of the five (5) shall be a member of the Council. The Mayor shall appoint as the sixth member, without approval by the Council, a physician who shall be nominated by a majority of the physicians residing and practicing in the City. In the event a majority of the practicing physicians fail to agree on a nominee, the Mayor shall appoint the physician member, subject to approval by the Council. The Mayor shall be the seventh member.

B. Qualifications and Term of Office

All members of the Board of Health shall be residents of the City except that the physician member may reside in a Wisconsin township adjoining the City but shall have his principal place of practice in the City. The term of office of the Mayor shall be continuous; the terms of all other members shall be two (2) calendar years. All members shall hold office until their successors have been appointed and qualified. If a member who is required to be a resident of the City moves from the City or if the physician member who resides in the City or in an adjoining township ceases to reside in the City or township, or if a member dies or resigns or is adjudged an incompetent, his term shall automatically terminate and the Mayor shall promptly fill the vacancy in the manner set forth in subsection (a) of this section. In like manner the Mayor shall make a new appointment to fill the vacancy created by the refusal of an appointee to qualify.



C. Officers of the Board

The Board of Health shall elect a president, vice-president and secretary from among its members, and the physician member shall be the executive officer of the Board and the City Health Officer.

D. Meetings of the Board

The regular annual meeting of the Board of Health shall be held on the third Tuesday of each January at 1:00 p.m. in the City Hall. The Board may fix a date for other regular meetings. The Board in its regulations or bylaws shall prescribe how special meetings shall be called and the call for any such meetings shall specify the purpose for which the meeting is called. If the call for any special meeting states that there is an emergency, the nature of which shall be stated in the call, any three (3) members of the Board shall constitute a quorum for the transaction of the business for which that meeting was called, otherwise a majority of the qualified members shall constitute a quorum. All members of the Board shall have equal voting privileges at every meeting.

E. Powers and Duties of the Board and the Health Officer

The Board of Health may adopt bylaws or other regulations for the conduct of its business. The Board shall take such measures, and subject to the approval of the Council, make such rules and regulations as shall effectively preserve the public health. All rules and regulations of the Board of Health after approval by the Council, shall be published in the official City newspaper and shall become in full force and effect on the day following such publication, unless otherwise stated. The Board of Health shall have further powers and duties as are prescribed by the Wisconsin Statutes, and by the rules of the State Board of Health promulgated in the Wisconsin Administrative Code. State Law Reference: Section 141.015, Wis. Stats.

## **2.0408 ZONING BOARD OF APPEALS**

A. Members

1. A Board of Appeals is hereby established. The Board of Appeals shall consist of five (5) members appointed by the Mayor subject to confirmation by the Council, for three (3) years, except that of those first appointed, one (1) shall serve for one (1) year, two (2) for two (2) years, and two (2) for three (3) years. The members shall serve without compensation and shall be removable by the Mayor for cause upon written charges and after public hearing. The Mayor shall designate one of the members Chairperson. The Mayor shall appoint, for staggered terms of 3 years, 2 alternate members of such board, in addition to the five (5) members above provided for. Annually, the Mayor shall designate one of the alternate members as 1<sup>st</sup> alternate and the other as 2<sup>nd</sup> alternate. The 1<sup>st</sup> alternate shall act, with full power, only when a member of the board refuses to vote because of interest or when a member is

absent. The 2<sup>nd</sup> alternate shall so act only when the 1<sup>st</sup> alternate so refuses or is absent or when more than one member of the board so refuses or is absent. The above provisions, with regard to removal and the filing of vacancies, shall apply to such alternates. Vacancies shall be filled for the unexpired terms of members whose terms become vacant.

2. The Board of Appeals may employ a secretary and other employees.

B. Rules

The Board of Appeals shall adopt rules for its government and procedure. Meetings of the Board of Appeals shall be held at the call of the Chairman and at such other times as the Board of Appeals may determine. The Chairman, or in his absence, the Acting Chairman, may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public.

C. Records

The Board of Appeals shall, keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board of Appeals and shall be a public record.

D. Appeals

Appeals to the Board of Appeals may be taken by any person aggrieved or by any officer, department, board, or bureau of the City of Marinette affected by any decision of the administrative officer. Such appeal shall, be taken within a reasonable time, as provided by the rules of the Board of Appeals, by filing with the officers from whom the appeal is taken and with the Board of Appeals a notice of appeal specifying the grounds thereof. The officers from whom the appeal is taken shall forthwith transmit to the Board of Appeals all the papers constituting the record upon which the action appealed from was taken. The Board of Appeals shall fix a reasonable time for the hearing of appeals and give public notice thereof as well as due notice to the parties in interest, and shall decide the same within a reasonable time.

E. General Powers

The Board of Appeals shall have the following general powers:

1. To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the Building Inspector.
2. To hear and decide special exceptions to the terms of the City's 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 City's zoning regulations shall be observed, public safety and welfare

secured, and substantial justice done.

4. 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 City's zoning regulations, for such public utility purposes which are reasonably necessary for public convenience and welfare.
5. The Board of Appeals may reverse or affirm wholly or in part or may modify any order, requirement, decision, or determination appealed from and shall make such order, requirement, decision, or determination as in its opinion ought to be made in the premises and to that end shall have all the powers of the Building Inspector. If a quorum is present, the board of appeals may take action by a majority vote of the members present.

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

## **2.0409 CITY PLAN COMMISSION**

### **A. Plan Commission Created**

There is hereby created a City Plan Commission to consist of the Mayor who shall be its presiding officer, the Director of Public Works, an Alderperson, and four (4) citizens of the City of Marinette. No member of the Commission shall receive compensation for his services as a member of the Commission.

### **B. Alderperson Member**

The Alderperson member of the Commission shall be elected by a two-thirds (2/3) vote of the Council annually.

### **C. Citizen Members**

Three (3) citizen members shall be appointed by the Mayor for terms of three (3) years, staggered one (1) year apart. The additional citizen member shall hold an annual term.

### **D. Wisconsin Statutes Adopted**

1. The provisions of Section 62.23(1) through (18), Wis. Stats., providing for the creation of a City Plan Commission and its functions, powers, authority, jurisdiction, zoning power, method of procedure, appeals, enforcement, remedies, and penalties, are hereby adopted and enacted as part of this Section as though incorporated in full herein.
2. Under the provisions of the Wisconsin Statutes all administrative responsibility and authority for the operation of the Commission shall be vested in the Mayor including the employment of personnel, expenditure of funds, and other miscellaneous duties of an administrative nature.

### **E. Annual Review Meeting**

After the appointment of a new commission member, the next regularly scheduled meeting shall contain an agenda topic for the Plan Commission, including a review of the comprehensive plan's vision, goals, objectives and

on-going activities. In the event no new commission member is appointed, the Plan Commission shall meet annually in March or April to review its role and responsibility.

**2.0410 RESERVED FOR FUTURE USE**

**2.0411 BOARD OF HARBOR COMMISSIONERS**

- A. There is hereby created a Board of Harbor Commissioners which shall consist of five (5) members appointed by the Mayor, subject to confirmation of the Common Council. Each Commissioner shall hold office for a term of three (3) years.
- B. The Board of Harbor Commissioners shall have all the powers and perform all the duties conferred upon it by Sections 30.37 and 30.38, Wis. Stats.  
State Law Reference: Sections 30.37 and 30.38, Wis. Stats.

**2.0412 MARINETTE HOUSING AUTHORITY**

- A. Appointment, Qualifications, and Tenure of Commissioners
  - 1. The Mayor shall, with the confirmation of the Council, appoint five (5) persons 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 has been 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 he shall be entitled to the necessary expenses including traveling expenses incurred in the discharge of his 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 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. The Marinette Housing Authority shall have all the powers and perform all of the duties conferred upon it by Section 66.40, Wis. Stats,  
State Law Reference: Section 66.40, Wis. Stats.

**2.0413 REPEALED** (Ord. 2016-2368 12-6-16)

**2.0414 EQUAL OPPORTUNITIES COMMISSION**

- A. The Mayor, subject to Council confirmation, shall appoint an Equal Opportunities Commission, consisting of five (5) members. One (1) member shall be an alderman whose term of office shall be one (1) year. Four (4) members shall be citizen members whose terms of office shall be for two (2) years. Commission members shall be residents of the City of Marinette and shall receive no compensation for their services.
- B. The Commission shall have the power and duty to study the existence, character, cause, and extent of the denial of equal opportunities because of race, creed, color, sex, national origin, or ancestry in the City of Marinette. It shall, receive complaints alleging violation of Chapter 17, "Fair Housing," arising from bona fide transactions and attempt to eliminate or remedy any violation by means of conciliation, persuasion, education, or any other means. In cases where the Commission obtains compliance with Chapter 17, of this Municipal Code or the Commission finds the complaint is without foundation, no public disclosure shall be made by the Commission of the person or persons named in the complaint. The Commission may adopt such rules and regulations as may be necessary to carry out the provisions of Chapter 17.
- C. The services of an investigator shall be available to aid in promoting the purpose of Chapter 17, of this Code of Ordinances.  
Cross Reference: Chapter 17.

**2.0415 MARINETTE REDEVELOPMENT AUTHORITY**

- A. There is hereby created the Marinette Redevelopment Authority, the membership, powers, duties, and responsibilities of which shall be as set forth in Section 66.1333 of the Wisconsin Statutes, as amended from time to time, and also those powers and duties and responsibilities conferred upon it from time to time by other sections of the Wisconsin Statutes, as amended from time to time, and by the laws of the United States of America, as amended from time to time.
- B. The Redevelopment Authority shall have the power and authority to act in any "blighted area" as defined in Section 66.1333(2m)(b) of the Wisconsin Statutes.
- C. Any plan of redevelopment proposed, authorized, established, or developed

by the Redevelopment Authority shall be consistent with the comprehensive plan of the City of Marinette, as amended from time to time.

- D. The Marinette Redevelopment Authority shall have the power to act in cases involving standard rehabilitation loans, home buyer assistance, and emergency rent assistance. The Marinette Redevelopment Authority shall require prior approval of the Common Council to enter into any other contracts and to acquire or convey real estate.

State Law Reference: Section 66.1333(3), Wis. Stats.

**2.0416 HISTORIC PRESERVATION COMMISSION (SEE CHAPTER 13, SECTION 13.0703)**

**2.0417 TRANSPORTATION COORDINATING COMMITTEE**

A. Creation and Purpose

The Transportation Coordinating Committee (the Committee) is hereby created to promote and coordinate the Shared-Ride Taxi Service in the City of Marinette, as well as the rural area immediately surrounding the City.

B. Members

The Committee shall consist of seven (7) members as follows:

1. Common Council Representative
2. Program Administrator.
3. The Marinette County Elderly Services Director.
4. The transportation owner/operator.
5. The Marinette Senior Citizens Center Director.
6. A citizen at-large.
7. An advisory member who is an employee of, and selected by, Bay-Lake Regional Planning Commission.

The Common Council representative and the citizen at-large representative shall be annual appointments by the Mayor subject to Common Council confirmation as further defined in Section 2.0417. All other members shall serve on the Committee as long as they hold their respective positions mentioned above.

C. Meetings

The Committee shall meet when deemed necessary to perform its stated purpose. At the first meeting following each third Tuesday in April, the Committee shall choose from its members a Chairperson whom shall act as the presiding officer and a Vice Chairperson whom shall act as presiding officer in the absence of the Chairperson. The Community Development Director/Program Administrator shall serve as Secretary.

**2.0418 COMMENCEMENT AND EXPIRATION OF TERMS**

Unless otherwise specified by statute or ordinance, the following shall apply with regard to the terms of members of boards, commissions, and committees under Chapter 2, Section 2.0400:

- A. The last day of a term expiring in any given year shall be the day immediately preceding the third Tuesday in April.
- B. The first day of a term commencing in any given year shall be the third Tuesday in April.
- C. Any member whose term has expired shall continue in office until a successor is appointed. Once a successor is appointed, the successor shall service for the remainder of the new term.
- D. In the event of a vacancy in an unexpired term, a new member shall be appointed through the normal procedures for the particular board, commission, or committee, who shall serve for the unexpired portion of the term.

**2.0419 RESIDENCY REQUIREMENT**

All appointments to any City of Marinette Committee, Commission, Board or other governing body shall only consist of residents of the City of Marinette unless otherwise specifically provided by law. “Residency” shall mean primary residence within the City limits based on the totality of the circumstances. Failure to maintain the residency requirement shall result in vacating the office.

Statutory Reference: Wis. Stat § 17.03(4)(d)(2003-04)(*Ord. 2005-2034 adopted 4-6-05*)

**2.0420 MARINETTE SENIOR ASSOCIATION BOARD OF DIRECTORS**

The Mayor shall appoint two members to the Marinette Senior Association’s Board of Directors subject to approval from the Common Council. One appointment shall be a member of the Common Council. Such appointments shall be for one-year terms. (*Ordinance 2016-2368 adopted 12-6-16*).

**2.0421 STEPHENSON LIBRARY BOARD**

The Mayor shall appoint members to the Stephenson Library Trust Board subject to approval from the Common Council. The Stephenson Library Trust Board shall consist of seven (7) members serving staggered three-year terms. (*Ordinance 2005-2034 adopted 4-6-05*)

**2.0422 RESCUE SQUAD**

The Mayor shall appoint a member of the Common Council to serve as liaison to the Emergency Rescue Squad, Inc., subject to approval from the Common Council. The liaison shall serve a one-year term. (*Ordinance 2005-2034 adopted 4-6-05*)

**2.0423 CITY OF MARINETTE ROOM TAX COMMISSION**

- A. Pursuant to Section 66.75(1m)(a) and (c)(1), Wisconsin Statutes, the City creates a Room Tax Commission to coordinate tourism promotion and development in the City. The Room Tax Commission, which shall be known as the "City of Marinette Room Tax Commission," shall consist of four (4) members appointed by the Mayor and shall be confirmed by the majority vote of all members of the Common Council. One of the Room Tax Commission members, who may be exempt from the residency restrictions set forth in Marinette Municipal Code 2.0419, shall represent the Wisconsin hotel and motel industry. Room Tax Commission members shall serve for a one-year term, at the pleasure of the Mayor, and may be reappointed.
- B. The duties of the City of Marinette Room Tax Commission are defined in Section 9.0701J of the City of Marinette Code of Ordinances.

**2.0500 ETHICAL STANDARDS**

**2.0501 ETHICAL STANDARDS OF PUBLIC OFFICIALS**

- A. The proper operation of democratic government requires that public officials and employees be independent, impartial, and responsible to the people. The purpose of this chapter is to establish ethical standards of conduct for all such officials and to direct disclosure by such officials of private financial or other interests in matters affecting the City.
- B. The municipal officials and employees of the City, whether elected or appointed, are "public officials and employees" within the meaning and intent of this chapter.

**2.0502 RESPONSIBILITIES OF PUBLIC OFFICE**

- A. Public officials and employees are bound to observe in their official acts the highest standards of morality and to discharge faithfully the duties of their office regardless of personal considerations, recognizing that the public interest must be their primary concern. Their conduct in both their official and private affairs shall be above reproach.
- B. Public officials are bound to uphold the Constitution of the United States and the Constitution of the State and to carry out impartially the law of the nation, state, and municipality.

**2.0503 DEDICATED SERVICE**

Public officials and employees shall not exceed their authority or breach the law or ask others to do so, and they shall work in full cooperation with other public officials and employees unless prohibited from doing so by law or by officially recognized confidentiality of their work.



**2.0504 USE OF PUBLIC PROPERTY; OBLIGATIONS OF CITIZENS**

A. Use of Public Property

No public official or employee shall request, use, or permit the 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 as municipal policy for the use of such official or employee in the conduct of official business.

B. Obligation of Citizen

No public official or employee shall grant any special consideration, treatment, or advantage to any citizen beyond that which is available to every other citizen.

**2.0505 CONFLICT OF INTEREST**

No Alderperson or other public official or employee, whether paid or unpaid, shall engage in any business or transaction or shall have a financial interest, direct or indirect, which is incompatible with the proper discharge of his official duties in the public judgment or will tend to impair his independence or judgment or action in the performance of his official duties.

**2.0506 SPECIFIC CONFLICTS OF INTEREST**

Specific conflicts of interest are enumerated below for the guidance of officials. The following list is illustrative merely and not exclusive:

A. Incompatible Employment

No Alderman or other public official or employee shall engage in or accept private employment or render services for private interests when such employment or service is incompatible with the proper discharge of his official duties or tends to impair his independence of judgment or action in the performance of his official duties. In the event an Alderperson, official, or employee possesses a financial or personal interest in any business or transaction, any presumption of conflict of interest with his public duties shall be removed by his disclosure of the nature and extent of such investment to the Common Council for the records of that authority.

B. Disclosure of Confidential Information

No Alderperson, other public official or employee, shall, without proper legal authorization, disclose confidential information concerning the property, government, or affairs of the City, nor shall he use such information to advance the financial or other private interest of himself or others.

C. Gifts or Gratuities

1. It shall be unlawful for any public employee or public official to receive or offer to receive, either directly or indirectly, any gift, gratuity, or anything of value which he is not authorized to receive from any person, if such person:
  - (a) Has or is seeking to obtain contractual or other business or financial relationships with such public employee's employer or the governmental body of the public official; or
  - (b) Conducts operations or activities which are regulated by such public employee's employer or the governmental body of a public official; or
  - (c) Has interests which may be substantially affected by such public employee's employer or the governmental body of the public official.
2. The receipt of any gift, gratuity, or anything of value as denoted above is contrary to the public policy of the City of Marinette.

D. Representing Private Interests Before City Agencies or Courts

No Alderperson or other public official or employee whose salary is paid in whole or in part by the City shall represent private interests before any agency of the City. He shall not represent private interests in any action or proceeding against the interest of the City in any litigation to which the City is a party.

E. Contracts with the City

Any Alderperson or other public official or employee who has substantial financial interest in any business entity, entering into or proposing to enter into, any transaction or contract with the City for the sale of real estate, material supplies or services to the City shall disclose such interest to the Common Council to be reported in the minutes of the appropriate Council meeting. And in the case of an Alderman, he shall refrain from voting upon or otherwise participating (except in the performance of a ministerial act) in the transaction or the making of such contract or sale.

F. Disclosure of Interest in Legislation

1. An Alderperson who has a financial or other private interest in any legislation shall disclose on the records of the Council the nature and extent of such interest. This provision shall not apply if the Alderman disqualified himself from voting.
2. Any other public official or employee who has a financial or other private interest, and who participates in discussion with or gives an official opinion to the Council shall disclose on the record of the Council the nature and extent of such interest.

## **2.0507 SANCTIONS**

- A. Violation of any provision of this section should raise conscientious questions for the Alderperson or any other official or employee concerned as to whether voluntary resignation or other action is indicated to promote the best interest of the City. Violation may constitute a cause for suspension, removal from office or employment, or other disciplinary action.
- B. Any person who violates any provisions of this section shall upon conviction be subject to the general penalty provisions of Section 1.0107 of this Municipal Code.