

# Government Structure

## STRUCTURE

Cities in Wisconsin are incorporated municipalities that are created at the request of their inhabitants to perform local services. The Wisconsin Supreme Court has stated that municipalities are "established by law to assist in the civil government of the state and to regulate and administer the internal or local affairs of the territory within their corporate limits." Because municipalities were created by the state, they have been referred to as "creatures of the state." As "creatures of the state," municipalities have no inherent powers and have only the powers given them. Wisconsin cities are fortunate in that they have been granted extensive home rule powers. "Home rule" is the ability of cities to govern themselves in local matters without state interference. Wisconsin municipalities have two sources of home rule authority: (a) Constitutional and (b) statutory or legislative. For more information on home rule, see the *Handbook of Wisconsin Municipal Officials*.)

The municipality of the City of Omro is organized as a 4th Class City under Chapter 62 of the Wisconsin State Statutes, which provides for the Mayoral / Council form of government. Under this organization, City government has a legislative branch, belonging exclusively to the City Council, an executive (or administrative) branch, under the direction of a City Administrator-Treasurer, who is hired by the City Council, and a judicial branch administered under the direction of the Municipal Court Judge.

## LEGISLATIVE BRANCH

The Mayor, acting as the chief executive officer of the city, and the Alderpersons shall constitute the City Council. The final determination of policy for the City of Omro rests with the City Council under the veto powers of the Mayor. Electors residing within the legal boundaries of the City of Omro elect council representatives. Council representatives then elect a Council President.

### Powers of the Mayor

The Mayor, the chief executive officer of the city, is by statute a member of the council and may vote on measures before the council in the event of a tie vote. The Mayor shall act as parliamentarian at meetings of the City Council and shall, from time to time, provide the council such information and recommend such measures as he or she may deem to be advantageous to the city. The Mayor shall retain the right to exercise veto powers as to all acts of the city council except for such acts for which it is expressly written or implied otherwise.

The Mayor's authority as chief executive officer is not unlimited. For example, a mayor cannot unilaterally decide what uses are to be made of city property and cannot, without prior council approval, enter into a contract on behalf of the city. Also, a mayor cannot, without prior council approval, expend municipal funds.

As the chief executive officer of the city, the mayor has a statutory duty to "take care that city ordinances and state laws are observed and enforced and that all city officers and employees discharge their duties" in a manner befitting their respective office. Sec 62.09 (8)(a), Stats.

The Mayor appoints the Police Chief for the City of Omro, subject to confirmation of the City Council. The Chief of Police has command of the police force under the direction of the Mayor, and must obey lawful written orders of the Mayor and City Council. The Mayor also appoints the city attorney, members of Boards, Commissions, and Committees, subject to confirmation by the City Council. The City Attorney represents the City Council in all matters in which the City Council has exclusive or final authority. Most Boards, Committees and Commissions operate in an advisory capacity to the City Council but they all function under the supervision of the executive branch of the administrative offices.

The Mayor may call special meetings (which may also be called by any two members of the Council). The Mayor shall also have other duties and responsibilities as are prescribed in the Wisconsin Statutes or as determined by the system of mayoral power exercised.

Sometimes references are made to a "strong mayor" system or a "weak mayor" system. These terms refer to the amount of independent power exercised by the mayor. A "weak mayor" system is characterized by shared administrative responsibility among the Mayor, elected or appointed administrative offices, various boards and commissions, and independently appointed officials. A "strong mayor" system involves unification of responsibility and accountability in the mayor's office. This would include the mayor's selection of most departmental officials, the administrative supervision over governmental services and the preparation of an "executive" budget. Wisconsin cities generally fall in the "weak mayor" category, as does the City of Omro. Therefore, an inherent reliance is made by the Mayor on the administrative offices of the City of Omro to carry out the legislative directives of the City Council. (For more information see the Wisconsin League of Municipalities handbook *The Powers and Duties of Wisconsin Mayors* and the Omro Municipal Code Chapter 2.04)

#### Powers of the Council President

The President of the Council shall be chosen from among the newly organized members of the City Council after the spring election process is completed. The organizational meeting of the council is held the third Tuesday of April. The President of the Council shall act as the presiding

officer of the council in the event of the absence or inability of the Mayor to act as such. During this time that the President is acting in place of the Mayor, the President shall have all powers and duties of the Mayor except he or she shall not have veto powers to approve an act of the council to which the Mayor has disapproved of by filing an objection with the City Administrator.

### Powers of the City Council

Cities are governed by a common council consisting of alderpersons and the Mayor. The common council serves as the legislative arm of city government. Alderpersons are the individual members of the City Council. Individual alderpersons are not empowered to act on behalf of the city, and can only exercise power when a quorum of the council is present. Although the mayor is a member of the council and presides over its meetings, the mayor is not counted in determining whether a quorum is present.

In contrast to other city offices, the Wisconsin State Statutes do not provide a list of duties for alderpersons, although the City Council has full legislative (or policy-making) authority. In addition, the Common Council appoints the City Administrator and confirms appointments made by the Mayor. It has authority for the management and control of City property; management and control of city finances and highways; the power to act for the government and good order of the City, for its commercial benefit, and for the health, safety, and welfare of the public. The Council enacts ordinances, resolutions and motions; creates committees, boards and commissions; approves and amends the annual budget; levies taxes, approves the paying of claims made against the city; grants licenses issued by the city; and enters into contracts on behalf of the city. It may carry out its powers by license, regulation, suppression, borrowing of money, taxation, special assessment, appropriation, fine, imprisonment, confiscation, and other necessary and convenient and legal means.

The City Council does not enjoy executive (or administrative) powers of city government, which are carried out by the City Administrator, who serves at the pleasure of the Council.

### Appointments by City Council (Subject to Council Confirmation)

#### **Legislative (Policy-Recommendation or Advisory) Boards:**

Planning Commission

Board of Health

Fire Board

Community Development Authority (as needed)

Park Committee

#### **Administrative (Decision-Making) Boards:**

Library Board (decision-making on most matters of Library operations)

Board of Review

Zoning Board of Appeals

Police Discipline Committee

CDBG Housing Rehabilitation Committee

Business Improvement District (BID) Board

## **EXECUTIVE / ADMINISTRATIVE BRANCH**

At a time when municipal government had become increasingly more complex, the position of City Administrator was created in order to provide the City of Omro with a more efficient, economical, coordinated, responsible and responsive municipal government under a system of part-time mayor and part-time alderpersons. Many municipalities have found it expedient to employ full-time administrative personnel to oversee the day-to-day operations of the city government in accordance with policies and procedures adopted by the elected representatives.

The municipal administrator is not a statutorily created position. It was created by the City of Omro under its home rule authority. To further consolidate the municipal services and create efficiency measures, the offices of Clerk and Treasurer were combined with the office of City Administrator for the City of Omro.

The City Council appoints the City Administrator on the basis of merit, who serves for an indefinite term at the pleasure of the Council. The City Administrator is the head of city administration, and possesses and exercises executive and administrative powers of city government. The City Administrator has no legislative powers. The City Administrator is removable by a 2/3rds affirmative vote of the entire membership of the common council.

### Powers of City Administrator / Treasurer

The City Administrator shall carry out the directives of the Mayor and Common Council that may require administrative implementation and shall promptly report the results obtained and any difficulties encountered. The City Administrator shall direct, coordinate, and expedite the activities of all city departments, except where such authority is vested by Wisconsin State Statutes or city ordinances and resolutions in boards, commissions or other city officers.

He or she shall be responsible for the administration of all day-to-day operations of the city government, including monitoring of city compliance with Wisconsin State Statutes, regulations, city resolutions and ordinances. The City Administrator shall prepare a plan of administration, which defines authority and responsibility for all non-statutory positions of the city and shall establish administrative procedures to increase the effectiveness and efficiency of city government according to acceptable practices in municipal government and consistent with the directives of the common council. The City Administrator shall serve as an ex-officio member of all boards, committees and commissions of the city.

The treasurer's duties are set forth in sections 62.09(9)(c) and 61.26 of the Wisconsin State Statutes. Generally speaking, the treasurer is responsible for collecting all city, school, county and state taxes, receiving all moneys belonging to the municipality or which by law are directed to be paid to the treasurer, and paying over the money in the treasurer's hand according to law. The treasurer must deposit municipal funds upon receipt into the public depository designated by the governing body and keep a detailed account in suitable books in such manner as the governing body shall direct. The treasurer shall keep in separate books an account of all fees received. The treasurer must make, at times specified by statute and as required by the governing body, a verified report to the governing body of moneys received and disbursed and of the condition of the treasury per Sec. 62.09(9)(c) and Sec. 61.26(6) of the Wisconsin State Statutes.

The City Attorney represents the City Administrator/Clerk/Treasurer in all areas wherein the City Administrator/Clerk/Treasurer has exclusive or final authority.

#### Job Description of the City Administrator/Treasurer

**TITLE: Administrator/ Treasurer**

**DEPARTMENT: Administration**

**SUPERVISED BY: Mayor and City Council**

#### **FUNCTION:**

The purpose of this position is to serve as Chief Officer of the City of Omro; responsible for administering the business and affairs of the City. Also, fulfills statutory requirements of Treasurer chapter 62.09 (11) . The work is performed under the direction of the Mayor and Common Council.

#### **DUTIES, RESPONSIBILITIES AND WORK PERFORMED**

- Administers the day-to-day operations of the City government; oversees the enforcement of all City ordinances and state statutes.
- Fulfill statutory duties of Treasurer chapter 62.09 (11) and correlating duties listed in the Omro Municipal Code section 2.12.040. **(see attached)**
- Direct, coordinate and expedite the activities of all city departments, except where such authority is vested by Wisconsin State Statute or city ordinances and resolutions in boards, commissions or other city officials.
- Be responsible for the administration of all day-to-day operations of the City government, including the monitoring of City compliance with Wisconsin State Statutes and regulations, city ordinances and resolutions.
- Prepares plan of administration to define authority and responsibility for all non-statutory positions of the City.

- Establishes administrative procedures to increase the effectiveness and efficiency of City government according to current practices in local government.
- Serves as ex officio non-voting member of all boards, commissions and committees of the City except as otherwise specified by ordinance, the common council or Wisconsin State Statute.
- Monitors, county, state and federal legislation and administrative rules affecting the City; submits reports and recommendations regarding needed changes.
- Monitors the availability of county, state and federal funds for local programs; assists department heads and the City Council in obtaining funding.
- Represents the City in matters involving legislative and inter-governmental affairs as authorized and directed.
- Acts as Public Information Officer for the City; ensures that the news media is informed about City operations and that open meeting regulations are followed.
- Work with Planning Commission, the Omro Area Development Corporation and Economic and Community Development Department to promote the economic well-being and growth of the City.
- Establishes and maintains procedures to facilitate communications between citizens and the City government to ensure that complaints, grievances, recommendations and other matters receive prompt attention.
- Attends all City Council meetings; in coordination with the mayor, prepare agendas and materials for council meetings and other assigned committee meetings; assists in preparing ordinances and resolutions; makes recommendations as appropriate.
- Keep the mayor and common council regularly informed about the activities of the city administrator's office, by oral or written report, at regular and special meetings of the common council.
- Administers and direct all personnel functions for the City; recommends personnel actions; serves as Personnel Officer.
- Conducts labor contract negotiations.
- Prepares annual City budget for approval by the Common Council; administers the budget; monitors expenditures; supervises account systems; serves as purchasing agent.

## **QUALIFICATIONS FOR POSITION**

- Requires the ability to perform upper-level data analysis, including the ability to hypothesize, theorize and assimilate, to modify or adapt existing policies/methods to meet unusual conditions within the context of existing theories and management principles.
- Requires the ability to utilize a wide variety of reference, descriptive, advisory and/or design data and information such as financial statements, statutes, contracts, agendas, resolutions, ordinances, policies, procedures and non-routine correspondence.

- Requires the ability to communicate orally and in writing with the City Council, City officials, all City department personnel and City residents.

## **EDUCATION, EXPERIENCE AND TRAINING**

Bachelor's degree in Business Administration or related field is required, with a Master's degree in Public Administration preferred. Valid drivers license required. Communication skills are essential, with the ability to professionally present ideas and programs to large groups.

## **WORKING CONDITIONS**

Maintaining office and related records and use of data processing equipment.

***The duties and responsibilities of the Administrator/ Treasurer are also identified in Chapter 2.12 of the Omro Municipal Code and sections 62.09 (11) of the Wisconsin State Statutes. Please refer to the ordinance and statutes for further information.***

Appointments by City Administrator (Subject to Council Confirmation)

Clerk- Deputy Treasurer

### Powers of the Clerk

The Clerk duties are set forth by statute. Although the duties for city clerks vary somewhat from municipality to municipality, they are in large part the same. Generally speaking, the clerk is entrusted with the care and custody of the corporate seal and all papers and records of the city. The clerk is required to attend governing body meetings and keep a full record of the proceedings. The clerk is responsible for maintaining a minute book, and "ordinance book," and is also required to keep a record of all licenses and permits granted and record all bonds, in appropriate books. The clerk shall draw and sign all orders upon the treasury in the manner provided by Sec 66.0607, Stats., and keep a full account thereof in appropriate books. The clerk shall carefully preserve all receipts filed with the clerk. The clerk shall keep an accurate account with the treasurer and charge the treasurer with all tax lists presented for collection and with all moneys paid into the treasury. The clerk shall keep all records in the clerk's office open to inspection at all reasonable hours. The clerk is authorized to administer oaths and affirmations required by the state. This list of responsibilities of the clerk is not all-inclusive, but summarizes the duties as set forth in Sec. 61.19 and Sec. 62.09(11) of the Wisconsin State Statutes.

Appointments by City Clerk (Not Subject to Council Confirmation)

Election Officials

Special Voting Deputies

## **JUDICIAL BRANCH**

The electors of the city elect the Municipal Court Judge. The judge appoints the Municipal Court

Clerk, who serves at the direction and pleasure of the Judge.

A municipal court is a true court of law and an integral part of the state court system. Municipal courts are also unique in many respects. Some of this uniqueness is revealed by taking a closer look at a municipal court jurisdiction and powers.

The term “jurisdiction” as applied to courts of law, including municipal courts, is used to describe the authority of a court to hear and decide a case or legal issue presented to it. The term encompasses many things, including territorial jurisdiction and subject matter jurisdiction. A municipal court is authorized to hear and decide actions for violations of municipal ordinances of the municipality that operates the court. Sec. 755.045(1), Stats. Since a municipality ordinance is only enforceable within the boundaries of the municipality that enacted the ordinance, the territorial jurisdiction of a municipal court is the same as the geographical boundary of the municipality that operates the court.

The Municipal Court is convened at such times as the judge determines, and it enters judgment or dismisses matters that come before it as the court deems just. Ordinance violations cited by police officers, the building inspector or fire inspector, are all referred to the jurisdiction of the Municipal Court. Most traffic law violations are also matters for the Court’s determination. All judgments entered by the court are reviewable by the Circuit Court if an appeal is brought within twenty days of any judgment.

The City Attorney represents the City as Prosecutor in all matters brought before the Municipal Court.

## **OMRO MUNICIPAL CODE**

### **Title 2 ADMINISTRATION AND PERSONNEL**

#### **Chapter 2.04 COMMON COUNCIL**

2.04.010 Common Council

2.04.020 Alderpersons

2.04.030 Mayor

2.04.040 President of the Council

2.04.050 Standing Committees-Action on Committee Reports

2.04.060 General Powers of the Common Council

2.04.070 Cooperation with Other Municipalities

2.04.080 Internal Powers of the Council

2.04.090 Salaries

2.04.100 Meetings of the Common Council

2.04.110 Special Meetings

2.04.120 Open Meetings



- 2.04.130 Quorum
- 2.04.140 Presiding Officers
- 2.04.150 Order of Business
- 2.04.160 Introduction of Ordinances
- 2.04.170 Publication and Effect of Ordinances
- 2.04.180 Conduct of Deliberations
- 2.04.190 Procedure of Public Hearings

2.04.010 Common Council.

The alderpersons 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. (Prior code § 2-2-1)

2.04.020 Alderpersons.

- A. There shall be six alderpersons elected to the common council, two members from each aldermanic district. Each shall have a two-year term of office.
- B. One alderperson shall be elected from each aldermanic district in even-numbered years and one alderperson shall be elected from each aldermanic district in odd-numbered years. Each will serve a two-year term of office.
- C. The provisions of Wisconsin Statutes with reference to primaries and municipal elections are incorporated herein by reference and shall apply. (Prior code § 2-2-2)

Mayor.

- A. Election. The mayor shall be elected in even-numbered years for a term of two years.
- B. Duties.
  - 1.The mayor shall be the chief executive officer of the city. He or she shall take care that city ordinances and the State Statutes are observed and enforced.
  - 2.The mayor shall, from time to time, provide the council such information and recommend such measures as he or she may deem advantageous to the city. When present, he or she shall preside at the meetings of the council.
  - 3.The mayor shall have such other duties and responsibilities as are prescribed in the Wisconsin Statutes.

Appointed Officials.

The following shall be appointed officials:

Official	<u>How Appointed</u>
<u>Term</u>	

Attorney	Mayor, subject to confirmation by council	1 year
City Administrator	Mayor, subject to confirmation by council	Indefinite
Chief of Police	Mayor, subject to confirmation by council	Indefinite
Building Inspector	Mayor, subject to confirmation by council	Indefinite

B. Time of Taking Office. The regular term of office of the mayor and alderpersons shall commence on the third Tuesday of April succeeding their election. The regular term of all other elected and appointed shall commence on May 1st following their election or appointment, except officers appointed for indefinite terms, who shall take office upon appointment and qualification.

#### 2.08.030 Eligibility for office.

A. No person shall be elected by the people to a city office who is not, at the time of his election, a citizen of the United States and of this state, and an elector of the city, and in case of a ward office, of the ward, and actually residing therein.

B. An appointee by the mayor, requiring to be confirmed by the council, who shall be rejected by the council, shall be ineligible for appointment to the same office for one year thereafter.

C. No member of the common council shall, during the term for which he is elected, be eligible for an office or position which, during such term, has been created by, or the selection to which is vested in, the council, provided that the council may be represented on city boards or commissions where no additional remuneration is paid such representative except as otherwise provided by the laws of the state of Wisconsin. (Prior code § 2-3-16)

#### 2.08.040 Removal from office.

A. Elected Officials. Elected officials may be removed by the common council as provided in Sections 17.12(1)(a) and 17.16, Wis. Stats.

B. Appointed Officials. Appointed officials may be removed as provided in Section 17.12(1)(c) and 17.16, Wis. Stats. (Prior code § 2-3-17)

#### 2.08.050 Custody of official property.

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. (Prior code § 2-3-18)

#### 2.08.060 Oath of office--Bonds of officers.

A. Oath. Every person elected or appointed to any statutory office shall take and file his official oath within ten days after the notice of his election or appointment.

B. Bonds. The city administrator, and such other statutory officers as the laws of Wisconsin or the common council may direct, shall execute and file an official bond in such form as the council may determine. The council may at any time require new or additional bonds of any officer. All official bonds must be approved by the mayor and, when so approved, then be filed

within ten days after the officer executing the same shall have been notified of this election or appointment. Official bonds shall be filed with the city administrator and shall be recorded by him in a book kept by him for that purpose. (Prior code § 2-3-19)

## **OMRO MUNICIPAL CODE**

### **Title 2 ADMINISTRATION AND PERSONNEL**

#### **Chapter 2.12 CITY ADMINISTRATOR**

##### **2.12.010 Office Created**

##### **2.12.020 Appointment, Term of Office and Removal**

##### **2.12.030 Residency**

##### **2.12.040 Position Definition**

##### **2.12.050 Ethics**

##### **2.12.060 Cooperation**

##### **2.12.070 Conflicting Ordinances**

##### **2.12.080 Severability**

##### **2.12.090 Effective Date**

##### **2.12.010 Office Created.**

A. In order to provide the city with a more efficient, economical, coordinated, responsible and responsive municipal government under a system of part-time mayor and part-time alderpersons and at a time when municipal government is becoming increasingly complex, the position of city administrator is created.

B. Consolidation of Offices. The office of clerk- treasurer is combined with the office of city administrator. All references in city ordinances and resolutions to clerk-treasurer shall mean the city administrator. (Prior code § 2-3-3(a), (b))

##### **2.12.020 Appointment, term of office and removal.**

The city administrator shall be appointed on the basis of merit with due regard to training, experience, administrative ability and general fitness for the office, by a two-thirds vote of the common council upon the recommendation of the personnel committee and the mayor. The city administrator shall serve at the pleasure of the council, and shall hold office for an indefinite term subject to removal for cause by a two-thirds vote of all the members of the common council. The appointment may be terminated by the city administrator upon sixty (60) days written notice to the mayor and common council prior to such termination. (Ord. 369 (part), 2000: prior code § 2-3-3(c))

##### **2.12.030 Residency.**

The city administrator shall become and remain a resident of the city within six months following the date of appointment. (Ord. 369 (part), 2000: prior code § 2-3-3(d))

## 2.12.040 Position definition.

The city administrator, subject to the limitations defined in resolutions and ordinances of the city and Wisconsin Statutes, shall serve as the chief administrative officer of the city, responsible only to and under the general directions of the mayor and common council and shall be responsible for the proper administration of all activities of the city, and shall have the following duties and powers:

### A. General Duties. The city administrator shall,

1. Carry out directives of the mayor and common council which require administrative implementation, reporting promptly to the mayor and common council the results obtained and any difficulties encountered;
2. Direct, coordinate and expedite the activities of all city departments, except where such authority is vested by Wisconsin State Statute or city ordinances and resolutions in boards, commissions or other city officers;
3. Be responsible for the administration of all day-to-day operations of the city government, including the monitoring of city compliance with Wisconsin State Statutes and regulations, city ordinances and resolutions;
4. Prepare a plan of administration, which defines authority and responsibility for all nonstatutory positions of the city; and submit plans to the common council for adoption as the official organization and administrative procedure of the city;
5. Establish administrative procedures to increase the effectiveness and efficiency of city government according to acceptable practices in municipal government, consistent with subsection 4 above or directives of the mayor and common council;
6. Serve as an ex-officio nonvoting member of all boards, commissions, and committees of the city, except as otherwise specified by this ordinance, the common council or Wisconsin State Statutes;
7. Keep informed concerning current federal, state and county legislation and administrative rules affecting the city, and submit appropriate reports and recommendations thereon to the mayor and common council;
8. Keep informed concerning the availability of federal, state and county funds for local programs. Assist department heads and the common council in obtaining these funds under the direction of the mayor and common council;
9. Represent the city in matters involving legislative and intergovernmental affairs as authorized and directed as to that representation by the mayor and common council;
10. Act as public information officer for the city and insure that all open meeting rules and regulations are followed;
11. Establish and maintain procedures to facilitate communications between citizens and city government to assure that complaints, grievances, recommendations and other matters receive prompt attention by the responsible official, and to assure that all matters are expeditiously

resolved;

12. Work with the planning commission, the economic development committee, the Omro area development corporation committee, and the marketing committee to promote the economic well-being and growth of the city.

B. Responsibilities of the Council. The city administrator shall:

1. Attend all meetings of the common council, unless excused by the mayor or majority vote of the common council, assisting the mayor and the common council as required in the performance of their duties;
2. In coordination with the mayor, prepare agendas for all meetings of the common council, all common council committees and all other appropriate committees, commissions and boards of the city, together with such supporting material as may be required or helpful; with nothing herein being construed as to give the city administrator any authority to limit or in any way prevent matters from being considered by the common council or any of its committees, commissions or boards;
3. Assist in the preparation of ordinances and resolutions as requested by the mayor, the common council or the city attorney, or as needed;
4. Keep the mayor and common council regularly informed about the activities of the city administrators office, by oral or written report, at regular and special meetings of the common council;
5. Receive directives from the mayor in the event that action normally requiring the common council approval is necessary, in emergency situations, at a time when the common council cannot meet.

C. Personnel Duties. The city administrator shall,

1. Be responsible for the employment, training, administration, direction, supervision and coordination of all employees of the city according to established organization procedures;
2. Recommend to the common council the appointment, promotion, and when necessary for the good of the city, the discipline, suspension or termination of department heads;
3. Be responsible for the appointment, promotion, discipline, suspension or termination of all other nonstatutory employees under the direct operating authority of the common council in consultation with the appropriate department head;
4. Serve as personnel officer for the city with responsibility to see that complete and current personnel records, including specific job descriptions, are kept for all nonelected city officers and employees; to recommend salary and wage scales for the city employees not covered by collective bargaining agreements; to develop and enforce high standards of performance by nonelected officers and employees; to assure that nonelected officers and employees have proper working conditions; and to work closely with department heads to resolve promptly personnel problems and grievances, conduct grievance investigations on appeal from the department level and make grievance determinations subject to appeal to the personnel

committee of the common council;

5.Keep the personnel committee regularly informed about personnel matters, and carry out the directives of the personnel committee concerning personnel matters;

6.Evaluate, in conjunction with department heads, the performance of employees on a regular basis and recommend to the personnel committee the promotion of any employee;

7.Evaluate and review, in conjunction with the personnel committee, the performance of all department heads and nonelected officers on an annual basis, and recommend to the common council the promotion of any department head or non-elected officer;

8.Work with the personnel committee and make whatever studies or surveys as are necessary for the proper conduct of negotiations with the various bargaining units. The city administrator shall hold preliminary meetings with representatives of the bargaining units and with department heads and make recommendations to the personnel committee. The city administrator shall assist in labor contract negotiations and collective bargaining;

9.Work closely with department heads to assure that employees receive adequate training to maintain and improve their job skills.

D. Budgeting and Purchasing Duties. The city administrator shall:

1.Be responsible for preparation of the annual city budget, in accordance with such guidelines as may be provided by the common council, in coordination with the department heads, and pursuant to Wisconsin State Statutes, for final review and approval by the common council;

2.Administer the budget as adopted by the common council;

3.Report regularly to the common council on the current fiscal position of the city;

4.Supervise the accounting system of the city and insure that the system employs methods in accordance with current and professional accounting practices and standards;

5.Serve as the purchasing agent for the city, supervising the purchase of all materials, supplies and equipment for which funds are provided in the budget let contracts necessary for the operation or maintenance of city services for amounts up to and including five thousand dollars (\$5,000.00); receive bids or proposals for purchases or contracts in excess of five thousand dollars (\$5,000.00) for presentation to the common council for approval unless the taking of bids is waived by the common council;

6.Research the availability of alternative sources of funding for local programs and advise the council of methods of procuring such funds. (Ord. 369 (part), 2000: prior code § 2-3-3(e))

2.12.050 Ethics.

The city administrator shall abide by requirements set forth in city ethics ordinances, prohibiting receipt of gifts or gratuities, and shall carry out the duties and responsibilities of his/her office in an ethical manner. (Prior code § 2-3-3(f))

2.12.060 Cooperation.

All officials and employees of the city shall cooperate and assist the city administrator so that

the city government shall function effectively and efficiently. (Prior code § 2-3-3(g))

#### 2.12.070 Conflicting ordinances.

All ordinances or parts of ordinances contravening the provisions of this ordinance are repealed. (Ord. 369 (part), 2000)

#### 2.12.080 Severability.

If any provision of this ordinance is invalid or unconstitutional, or if the application of this ordinance to any person or circumstance is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions or applications of this ordinance, which can be given effect without the invalid or unconstitutional provision or application. (Ord. 369 (part), 2000)

#### 2.12.090 Effective date.

This is a Charter ordinance and shall take effect sixty (60) days after its passage and publication, unless within such sixty (60) days after its passage and publication a referendum petition as provided by Section 66.01 of the Wisconsin Statutes shall be filed, in which event this ordinance shall not take effect until it shall have been submitted to a referendum of the electors and approved by a majority of the electors voting thereon. (Ord. 369 (part), 2000)

## **OMRO MUNICIPAL CODE**

### **Title 2 ADMINISTRATION AND PERSONNEL**

#### **Chapter 2.16 CITY ATTORNEY**

##### 2.16.010 Appointment

##### 2.16.020 Powers and duties.

##### 2.16.010 Appointment.

The city attorney shall be appointed pursuant to Section 2.08.020. (Prior code § 2-3-6(a))

##### 2.16.020 Powers and duties.

The city attorney shall have the following duties:

A. The attorney shall conduct all of the law business in which the city is interested, and shall serve as legal advisor to the mayor, common council and officers of the city.

B. He or she shall, when requested by city officers, give written legal opinions, which shall be filed with the city.

C. He or she shall draft ordinances, bonds and other instruments as may be required by city officials.

D. He or she may appoint an assistant, who shall have power to perform his or her duties and for whose acts he or she shall be responsible to the city. Such assistant shall receive no

- compensation from the city, unless previously provided by ordinance.
- E. The common council may employ and compensate special counsel to assist in or take charge of any matter in which the city is interested.
- F. The city attorney shall perform such other duties as provided by state law and as designated by the common council. (Prior code § 2-3-6(b))

**OMRO MUNICIPAL CODE**

**Title 2 ADMINISTRATION AND PERSONNEL**

Chapter 2.20 ASSESSOR

- 2.20.010 Appointment
- 2.20.020 Duties
- 2.20.030 Independent contractor defined.

2.20.010 Appointment.

A. The city elects not to be governed by those portions of Section 62.09(3)(b), Wis. Stats., relating to the method of selection of the city assessor which are in conflict with this section (Charter ordinance).

B. The city assessor, or assessing firm, shall be appointed by the common council for a term of office as determined by contract.

C. A corporation or an independent contractor may be appointed as assessor. The corporation or independent contractor so appointed shall designate the person responsible for the assessment. The designee shall file the official oath under Section 19.01, Wis. Stats., and sign the affidavit of the assessor attached to the assessment roll under Section 70.49, Wis. Stats.

D. No assessor shall be appointed unless the assessor is certified by the Wisconsin Department of Revenue as qualified to perform the functions of the office of assessor. (Prior code § 2-3-9(a))

2.20.020 Duties.

The assessor shall perform all duties required of such office as provided by law and such other duties as are requested to be executed by such person by the common council from time to time. (Prior code § 2-3-9(b))

2.20.030 Independent contractor defined.

For purposes of this chapter, "independent contractor" means a person who either is under contract to furnish appraisal and assessment services or is customarily engaged in an independently established trade, business or profession in which the services are offered to the general public. (Prior code § 2-3-9(c))



## **Title 2 ADMINISTRATION AND PERSONNEL**

### Chapter 2.28 DIRECTOR OF PUBLIC WORKS

2.28.010 Appointment

2.28.020 Powers and duties

#### 2.28.010 Appointment.

The director of public works shall be appointed pursuant to Section 2.08.020. Selection shall be made solely on merit upon the basis of general qualifications and fitness for performing the duties of the position. (Prior code § 2-3-5(a))

#### 2.28.020 Powers and duties.

Subject to the direction of the mayor and common council, the director of public works shall have the following duties:

##### A. General.

1. Plans, directs and manages all public works (streets, storm sewers, sidewalks, curb and gutter), and utility services (water supply distribution, sanitary sewer collection and wastewater treatment);
2. Supervises and coordinates all maintenance work and construction or reconstruction projects involving the public works and utility;
3. Prepares specifications and bid documents for truck and equipment purchases, re-roofing, insulation and similar types of projects;
4. Prepares recommendations for annual and long-range projects;
5. Visits the various operations on an as-needed basis.

##### B. Utility Administrator.

1. Has responsibility for the overall management and control of the operation of the water and sewer system;
2. Makes recommendations to the respective commission in matters of finance and accounting, engineering, personnel and general operations;
3. Develops and recommends short and long range plans for utility service;
4. Reviews financial data to assure that the utilities are being operated in an efficient manner;
5. Represents the water utility before the public service commission in matters prescribed by law;
6. Periodically reviews office procedures, accounting and storeroom control.

##### C. Public Works Director.

1. Has responsibility for overall management and control of the street department;
2. Advises the mayor and common council on various public works projects or problems and makes recommendations;
3. Makes recommendations relating to all street, storm sewer and sidewalk projects;
4. Plan, direct and inspect the repair and maintenance of streets, curbs and gutters, sidewalks,

street lights, street trees;

5. Supervise plowing of snow and all phases of snow and ice control on city streets, alleys, sidewalks and public parking lots;

6. Supervise the operation of the municipal garage and the repair and maintenance of city-owned vehicles and equipment;

7. Schedule the daily and weekly jobs of the public works department employees and make necessary modifications due to emergencies;

8. Plan for the maintenance and repair of all city vehicles, machinery and equipment and is responsible for related records;

9. Repair and maintain all official city sign use and traffic control marking, to be done in compliance with the State Traffic Code and local ordinances;

10. Perform such other duties as may be directed by the common council. (Prior code § 2-3-5(b))

## **OMRO MUNICIPAL CODE**

### **Title 2 ADMINISTRATION AND PERSONNEL**

#### **Chapter 2.40 POLICE DEPARTMENT**

2.40.010 Organization of police department

2.40.020 Chief of Police

2.40.030 Responsibilities of Chief of Police

2.40.040 General responsibilities of police officers

2.40.050 Records and reports

2.40.060 Maintenance of personnel records and performance

2.40.070 Civilians to assist

2.40.010 Organization of police department.

The Omro police department shall consist of a chief of police and such other officers, assistants and patrolmen as from time to time may be appointed by the common council, pursuant to the provisions of the Wisconsin Statutes. (Prior code § 5-1-1)

2.40.020 Chief of police.

A. Appointment.

1. The chief of police shall be appointed pursuant to Section 2.08.020 and shall hold office during satisfactory performance, subject to suspension or removal pursuant to law.

2. The compensation to be paid the chief of police for his services, the hour of active duty, rest days, vacation periods and other involvement of his or her employment shall be such as may be determined by the public safety committee from time to time.

B. General Duties. The chief of police shall:

1. Have command of the police department of the city under direction of the mayor;

2. Have general administration and control of the department;
3. Be responsible for the departments government, efficiency and general good conduct;
4. Perform all duties prescribed to him by laws of the state and ordinances of the city;
5. Develop department policies and procedures;
6. Maintain department ethics and discipline;
7. Delegate special assignments or duties to police officers, and monitor to see that responsibilities are carried out;
8. Perform all the duties of a police officer during a portion of every regular shift;
9. Identify and evaluate ideas to achieve more efficient and effective operation;
10. Prepare department budget requests and maintains expenditures within approved budgetary levels;
11. Authorize overtime work for police officers, with supporting justification provided to the mayor and common council, or committee thereof;
12. Participate in the recruitment, testing and selection of new personnel;
13. Supervise and participate in the advanced and continuing training of police officers and non-sworn department employees;
14. Cooperate with county, state and federal officials, and other municipal law enforcement agencies;
15. Make special reports to the common council on request; and advise and cooperate with other city departments in matters of public safety;
16. Submit weekly and annual reports to the mayor;
17. Perform other miscellaneous duties as assigned. (Prior code § 2-3-7)

#### 2.40.030 Responsibilities of chief of police.

A. Duties. In addition to the duties imposed upon him or her elsewhere in this code, the chief of police shall:

1. Have command of the police department on administrative matters, subject to the general direction of the mayor and common council, pursuant to the Wisconsin Statutes;
2. Cause to be maintained accurate records of complaints, crimes, traffic 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 departments resources. He or she shall submit or cause to be submitted to the various agencies such reports and summaries as are required by State Statutes or ordinances and shall participate in voluntary programs designed to improve law enforcement and public safety;
3. Submit such reports and/or information and comply with such policies as may be prescribed by the common council;
4. Have exclusive control of the assignment, hours of duty, and transfer of all members of the department;
5. 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 as are within its jurisdiction. He or she shall supervise the preparation and presentation of annual reports and budgets for the police department. He or she shall be required to certify to the correctness of all bills incurred by the department;

6. 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 or she shall cooperate and exchange information with other city departments in matters relating to their various functions;

7. 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.

B. Custody of Department Equipment. The chief of police shall be the 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, safeguarding and accurate records of such property, equipment and supplies.

C. Custody of Department Property. The chief of police shall be the custodian of all property and be responsible for the safekeeping, lawful disposition and accurate record of the same. He or she shall see that all property is returned to its lawful owner or otherwise disposed of according to the applicable statutes. (Prior code § 5-1-4)

#### 2.40.040 General responsibilities of police officers.

Every member of the police department shall:

A. Familiarize himself or herself with the ordinances of the city and the statutes and attend to the enforcement of such ordinances by all lawful means;

B. Help prevent crimes, misdemeanors and violations of city ordinances and protect the health, safety, public peace and order of the city and its inhabitants;

C. Report all street and sidewalk obstructions, unlighted street lamps, unlawful street signs or signals, and defective or dangerous streets and sidewalks to the appropriate person or organization responsible for their repair or service;

D. Maintain order at the scene of a fire or any other fire response within the city;

E. See that the necessary permits and licenses issued by the state or city are in the possession of or properly displayed by any person engaged in an activity or business within the city for which such permit or license is required and that the terms of such permits or licenses are complied with;

F. Perform such other lawful duties as ordered by the chief of police or his or her authorized representative. (Prior code § 5-1-3)

#### 2.40.050 Records and reports.

A. Monthly Reports. The chief of police shall submit a monthly general report to the common council of all activities of the department during the preceding month.

B. Police Records. There shall be kept by the department a suitable record in which shall be

entered the name of every person arrested in the city, the name of the person making the arrest, the date and cause of the arrest, the court from which the warrant was issued, the disposition made of the case, the amount of fine and costs paid and to whom paid, bond posted, and all complaints in full. (Prior code § 5-1-2)

2.40.060 Maintenance of personnel records and performance evaluations.

The chief of police shall cause to be maintained adequate personnel records of employment, assignment, promotions, attendance, performance and training for all members of the department. He or she shall also comply with all provisions of the Law Enforcement Standards Board in regard to background investigations. He or she shall keep himself or herself adequately informed of the activities of the department and be assured that the duties of his or her subordinates are properly discharged. He or she shall formulate procedures for recognizing outstanding performance by department members for investigating complaints of misconduct by any department member and for taking appropriate disciplinary action subject to the provisions of the applicable statutes and rules of the department. (Prior code § 5-1-5)

2.40.070 Civilians to assist.

All persons in the city, when called upon by any police officer or peace officer, shall promptly aid and assist him or her in the execution of his or her duties and whoever shall neglect or refuse to give such aid or assistance shall be subject to the general penalty as provided in Chapter 1.24. (Prior code § 5-1-6)

**OMRO MUNICIPAL CODE**  
**Title 2 ADMINISTRATION AND PERSONNEL**  
Chapter 2.44 FIRE DEPARTMENT

- 2.44.010 Organization, goals and operation
- 2.44.020 Fire chief-Powers and Duties
- 2.44.030 Impending fire equipment prohibited
- 2.44.040 Police power of the department, investigation of fires
- 2.44.050 Damaging fire hose prohibited-Parking by hydrants and blocking of fire lanes
- 2.44.060 Firefighters may enter adjacent property
- 2.44.070 Duty of bystanders to assist
- 2.44.080 Vehicles to yield right-of-way
- 2.44.090 Interference with use of hydrants prohibited
- 2.44.100 Open burning

2.44.010 Organization, goals and operation.

A. Fire Department Established. The Omro fire department shall be responsible for the program of fire defense for the citizens and property within the city. The Omro fire department is officially recognized as the fire department of the city and the duty of fire fighting and the

prevention of fires in the city is delegated to such department. Its organization and internal regulation shall be governed by the provisions of this chapter and by such bylaws adopted by the department as are approved by the common council, except as otherwise provided by law and ordinance.

**B. Goals of the Fire Defense Program.**

1. The primary objective of the fire defense program is to serve all citizens, without prejudice or favoritism, by safeguarding, collectively and individually, their lives against the effects of fires and explosions.

2. The second objective of the fire defense program is to safeguard the general economy and welfare of the community by preventing major conflagrations and the destruction by fire of industries and businesses.

3. The third objective of the fire defense program is to protect the property of all citizens against the effects of fire and explosions. All property deserves equal protection, regardless of location or monetary value.

**C. Appropriations.** The common council shall appropriate funds to provide for operation and for such apparatus and equipment for the use of the fire department, as it may deem expedient and necessary to maintain efficiency and properly protect life and property from fire. (Prior code § 5-2-1)

**2.44.020 Fire chief--Powers and duties.**

**A. General Supervision.** The chief shall have the general supervision of the department, which supervision shall be subject to and not conflict with this chapter and the bylaws of the department. He or she shall be responsible for the personnel and general efficiency of the department.

**B. Presiding Officer.** The chief shall preside at all meetings, call special meetings, preserve order, decide all points of order that may arise and enforce a rigid observance of this chapter and bylaws.

**C. Command of Fire Fighting Operations.** The chief shall be present at all fires, and have complete command and entire responsibility of all fire fighting operations, plan the control of the same, direct the action of the department when it arrives at the fire, observe that the department does its duty, grant leaves of absence at a fire when he or she may deem it proper, and see that the fire apparatus is kept in proper condition at all times.

**D. Disciplinary Actions.** The chief may demote or expel any officer or member of the department for neglect or refusal to perform his or her departmental duties, or for nonresidence, subject to an appeal from such demotion or expulsion to the common council.

E. Department Budget. Not later than October 1st of each year, the chief shall file with the city clerk-treasurer a detailed estimate of the appropriations needed for the conduct of the department during the ensuing fiscal year.

F. Reports to the Council. The chief shall submit a written report to the common council not later than February 1st of each year, and at such other times as he or the council deems desirable, relating to the condition of various pieces of apparatus and appurtenances, the number of hydrants and the condition of the same, the number of fires occurring since the previous report, and the date of the same and loss occasioned thereby, the number of members of each company, the total number of active members in the department, and resignations and expulsions from the department. He or she shall also report upon the drill and training program of the department, together with other pertinent information, including recommendations for such improvements as he or she deems proper and necessary for the operation of the department.

G. Enforcement of Fire Prevention Ordinances. He or she shall enforce all fire prevention ordinances of the city and state laws and regulations pertaining to fire prevention, and shall keep citizens informed on fire prevention methods and on the activities of the department.

H. Fire Record Book. He or she shall keep a fire record book of every fire to which the department was called and shall enter in such book the locality of fire, time alarm was received, cause of fire, where fire started, cause of delay (if any) in responding, method of extinguishment and equipment used, amount of insurance carried on buildings and contents, estimated fire loss, time fire was extinguished, names of men responding and general remarks.

I. Apparatus Inventory. He or she shall keep an inventory of all apparatus and equipment, and an inventory of all hose showing dates and results of tests on each length, which shall be individually numbered.

J. Duties of Commanding Officer. He or she shall perform such other duties as are usually incumbent on the commanding officer of the fire department.

K. Control and Care of Apparatus.

1. The chief shall have control of all apparatus used by the department and shall be responsible for its proper maintenance. Emergency repairs may be authorized by the chief.

2. No apparatus shall be used for any purpose except for fire fighting within the city limits, or in training therefor, except pursuant to an agreement approved by the common council after the chief has given his or her recommendations on such use. With the approval of the chief such apparatus may be used for emergency purposes within the city. A written report of all such uses shall be made quarterly to the common council. (Prior code § 5-2-2)

#### 2.44.030 Impeding fire equipment prohibited.

No person shall impede the progress of a fire engine, fire truck or other fire apparatus of the Omro fire department along the streets or alleys of such city at the time of a fire or when the fire department of the city is using such streets or alleys in response to a fire alarm or for practice. (Prior code § 5-2-3)

#### 2.44.040 Police power of the department--Investigation of fires.

##### A. Police Authority at Fires.

1. The fire chief and assistants or officers in command at any fire are vested with full and complete police authority at fires. Any officer of the department may cause the arrest of any person failing to give the right-of-way to the fire department in responding to a fire.

2. The fire chief may prescribe certain limits in the vicinity of any fire within which no persons, excepting firefighters and police officers and those admitted by order of any officer of the department, shall be permitted to come.

3. The chief shall have the power to cause the removal of any property whenever it shall become necessary for the preservation of such property from fire or to prevent the spreading of fire or to protect the adjoining property, and during the progress of any fire he or she shall have the power to cause the removal of all wires or other facilities and the turning off of all electricity or other services where the same impedes the work of the department during the progress of a fire.

##### B. Fire Inspection Duties.

1. The fire chief shall be the fire inspector of the city and shall have the power to appoint one or more deputy fire inspectors and shall perform all duties required of the fire inspectors by the laws of the state and rules of the Department of Industry, Labor and Human Relations, particularly Section 101.14, Wis. Stats.

2. While acting as fire inspector pursuant to Section 101.14(2), Wis. Stats., the fire chief, or any officer of the fire department designated by the fire chief, shall have the right and authority to enter any building or upon any premises in the city at all reasonable hours for the purpose of making inspections or investigations which, under the provisions of this code, he or she may deem necessary. Should the fire inspector find that any provisions of this code relating to fire hazards and prevention of fires are being violated, or that a fire hazard exists which should be eliminated, it shall be his or her duty to give such directions for the abatement of such conditions as he or she shall deem necessary.

3. The chief of the fire department is required, by himself or herself or by officers or members of the fire department designated by him or her as fire inspectors, to inspect all buildings, premises and public thoroughfares, except the interiors of private dwellings, for the purpose of ascertaining and causing to be corrected any conditions liable to cause fire, or any violations of any law or ordinance relating to the fire hazard or to the prevention of fires. Such inspections shall be made at least once in six months in all of the territory served by the fire department and oftener as the chief of the fire department orders. Each six-month period shall begin on January 1st and July 1st of each year. Repairs or alterations necessary to remove the hazardous



condition shall be made within a reasonable time at the expense of the owner. The inspector shall also investigate the storage and handling of explosives and inflammable liquids within the city.

4. Written reports of inspections shall be made and kept on file in the office of the chief of the fire department in the manner and form required by the Department of Industry, Labor and Human Relations. A copy of such reports shall be filed with the fire chief. (Prior code § 5-2-4)

#### 2.44.050 Damaging fire hose prohibited--Parking by hydrants--Blocking fire lanes.

A. Driving Over Fire Hose. No person shall wilfully injure in any manner any hose, hydrant or fire apparatus belonging to the city, and no vehicle shall be driven over any unprotected hose of the fire department when laid down on any street, private driveway or other place, to be used at any fire or alarm of fire, without the consent of the fire department official in command.

B. Parking Vehicles Near Hydrants. It is unlawful for any person to park any vehicle or leave any object within ten feet of any fire hydrant at any time.

C. No Parking Near Fire. It is unlawful for any person, in case of fire, to drive or park any vehicle within one block from the place of fire without the consent and authority of the fire chief or any police officer. (Prior code § 5-2-5)

#### 2.44.060 Firefighters may enter adjacent property.

A. Entering Adjacent Property. It is lawful for any firefighter while acting under the direction of the fire chief or any other officer in command to enter upon the premises adjacent to or in the vicinity of a building or other property then on fire for the purpose of extinguishing such fire and in case any person shall hinder, resist or obstruct any firefighter in the discharge of his or her duty as is hereinbefore provided, the person so offending shall be deemed guilty of resisting firefighters in the discharge of their duty.

B. Destruction of Property to Prevent the Spread of Fire. During the progress of any fire, the fire chief or his or her assistant shall have the power to order the removal or destruction of any property necessary to prevent the further spread of fire; provided that it is inevitable that, unless such property is removed, other property is in danger of being destroyed by fire. (Prior code § 5-2-6)

#### 2.44.070 Duty of bystanders to assist.

Every person who shall be present at a fire shall be subject to the orders of the fire chief or officer in command and may be required to render assistance in fighting the fire or in removing or guarding property. Such officer shall have the power to cause the arrest of any person or persons refusing to obey such orders. (Prior code § 5-2-7)

#### 2.44.080 Vehicles to yield right-of-way.

Whenever there shall be a fire or fire alarm or the fire department shall be out for practice, every person driving or riding in a motorized or other vehicle shall move and remain to the side

of the street until the fire engine and fire truck and other fire apparatus shall have passed.  
(Prior code § 5-2-8)

2.44.090 Interference with use of hydrants prohibited.

No person shall occupy any portion of such streets or alleys with a motorized or other vehicle between such fire engine or fire truck or other fire apparatus or any hydrant to which a fire hose may be, or may be about to be, attached. (Prior code § 5-2-9)

2.44.100 Open burning.

A. Grass Fires Restricted. No person shall kindle any grass fire within the city without first securing a written permit from the fire chief, who shall issue such permit only when such burning will not endanger the person or property of other individuals or violate the intent of this section.

B. Bonfires Regulated. No person shall kindle or cause to be kindled any fire in or upon any street, alley, public way, park or any public ground within the city.

C. Prohibitions.

- 1. The use of outdoor drums, barrels or other containers or outdoor or inside fireplace for the burning of leaves, trash, garbage, wood, grass, rubbish or other materials is prohibited except as explicitly provided for herein.
- 2. In all circumstances above where burning is expressly allowed, such burning must be attended at all times. Further, such burning is specifically prohibited when the fire chief, by notice in the local newspaper, prohibits such due to extreme fire danger.

D. Exceptions.

- 1. The burning prohibition provided for herein does not apply to the burning of charcoal or similar substances outdoors for noncommercial cooking as long as the cooking is done without danger of spread of fire and in a grill or other cooking device.
- 2. The burning prohibition provided for herein does not apply to city sponsored and approved fires set for practice and instruction of firefighters, for the testing of fire fighting equipment, or for municipally collected wood or brush.
- 3. The burning prohibition provided for herein does not apply to the burning of wood in interior fireplaces. (Prior code § 5-2-10)

**OMRO MUNICIPAL CODE**  
**Title 2 ADMINISTRATION AND PERSONNEL**  
Chapter 2.48 MUNICIPAL COURT

- 2.48.010       Municipal court established
- 2.48.020       Municipal judge – office created

2.48.030	Municipal judge -election term
2.48.040	Municipal judge-salary
2.48.050	Municipal judge-bond-oath
2.48.060	Jurisdiction
2.48.070	Procedure in municipal court
2.48.080	Fees
2.48.090	Council may abolish municipal court
2.48.100	Statutes adopted by reference
2.48.110	Contempt of court
2.48.120	Stipulations and deposits in municipal court
2.48.130	Clerk of municipal court
2.48.140	Juvenile dispositions and sanctions

#### 2.48.010 Municipal court established.

Pursuant to the authority granted by Chapter 755, Wis. Stats., there is established a municipal court for the city. (Prior code § 2-3-13(a))

#### 2.48.020 Municipal judge--Office created.

Pursuant to the authority granted by Chapter 755, Wis. Stats., there is created the office of municipal judge for the municipal court for the city. Mid-term vacancies in the office of municipal judge shall be filled by special election to be held not less than fifty-five (55) nor more than seventy (70) days after the order of the council therefor. (Prior code § 2-3-13(b))

#### 2.48.030 Municipal judge--Election--Term.

The municipal judge shall be elected at large at the spring election for a term of four years commencing on May 1st succeeding the election. The municipal judge shall be subject to the Wisconsin Code of Judicial Ethics and shall file an annual financial statement. (Prior code § 2-3-13(c))

#### 2.48.040 Municipal judge--Salary.

The salary of the municipal judge may be increased for a new term prior to the beginning of the term for the judge, or for the second year of a term before the start of the second year of the term of the judge, but the salary shall not be decreased during the term of the judge. Salaries may be paid annually or in equal installments as determined by the common council, but no judge may be paid a salary for that portion of any term during which portion the judge has not executed the official bond or official oath as required by Section 755.03, Wis. Stats., and filed under Section 19.01(4)(c) of the Wisconsin Statutes, as amended. The salary shall be as established by the common council. (Prior code § 2-3-13(d))

#### 2.48.050 Municipal judge--Bond--Oath.

The municipal judge shall execute and file with the clerk of the circuit court for Winnebago

County the oath prescribed by Section 755.03, Wis. Stats., and an official bond in such an amount of one thousand dollars (\$1,000.00). (Prior code § 2-3-13(e))

#### 2.48.060 Jurisdiction.

The municipal judge shall have jurisdiction as provided by law and Section 755.045, Wis. Stats., and exclusive jurisdiction of violations of city ordinances and resolutions. (Prior code § 2-3-13(f))

#### 2.48.070 Procedure in municipal court.

A. The municipal judge shall keep his office and hold court in the Omro City Hall.

B. If the municipal judge is temporarily absent, sick, or disabled, the provisions of Section 800.06(1), Wis. Stats., shall apply, and if the municipal judge becomes incompetent, unable, or fails to act, or in the event of a vacancy, the provisions of Section 800.06(2), Wis. Stats., shall apply. Any substitute municipal judge designated or assigned hereunder shall be compensated as authorized by the common council. The municipal judge shall satisfy all continuing education requirements for municipal judges.

C. Upon the proper and timely written request for substitution of the municipal judge, the provisions of Section 800.05, Wis. Stats., shall apply.

D. The procedure in municipal court for the city shall be as provided by this section and state law, including, without limitation because of enumeration, Chapters 300, 755, 800 and Section 23.66 to Section 23.99, 288.14, 288.15, 288.18 and 345.20 to 345.53, Wis. Stats. The court shall abide by the Wisconsin Rules of Evidence and shall abide by the Uniform State Traffic Deposit Schedule. In non-traffic matters, the municipal judge shall draft a bond schedule, which shall become effective upon approval by the common council. No bond shall exceed the maximum penalty which could be imposed for the ordinance violation. (Prior code § 2-3-13(g))

#### 2.48.080 Fees.

A. Bonds for appearance, partial payments, and other funds collected by the court shall be treated as escrow funds and deposited with the city administrator.

B. The municipal court clerk shall collect all forfeitures and costs in any action or proceeding before him or her and shall pay over such moneys to the city administrator not later than the seventh business day succeeding his or her receipt thereof. At the time of payment, the municipal court clerk shall report to the city administrator the title of the action, the offense for which the forfeiture was imposed and the total amount of the forfeiture, fees, penalty assessments and costs, if any. The city administrator shall disburse the fees as provided in Section 824.65, Wis. Stats., and disburse any penalty assessments pursuant to Section 66.12(1)(b), Wis. Stats. (Prior code § 2-3-13(h))

#### 2.48.090 Council may abolish municipal court.

The common council may, by ordinance or by law, abolish the municipal court at the end of any term for which the judge has been elected. (Prior code § 2-3-13(i))

#### 2.48.100 Statutes adopted by reference.

Chapters 755 and 800, Wis. Stats., are adopted by reference. (Prior code § 2-3-13(j))

#### 2.48.110 Contempt of court.

A. The municipal judge may punish for contempt of municipal court for the city persons guilty of any of the following acts:

1. Misconduct in the presence of the court which interferes with a court proceeding or with the administration of justice, or which impairs the due respect for the court;
2. Intentional disobedience, resistance or obstruction of authority, process or order of the municipal court;
3. Refusal as a witness to appear, be sworn or answer a question;
4. Refusal to produce a record, document or other object.

B. No person may be punished for contempt before a municipal judge until an opportunity has been given the person to be heard in his or her defense. If the contempt alleged involves disrespect or criticism of a municipal judge, that judge is disqualified from presiding at the trial of contempt unless the person charged consents to the judge presiding at the trial. For the purpose of hearing a persons defense, the municipal judge may, if the alleged defendant does not appear for trial, issue a warrant for the person to be brought before the municipal judge.

C. The municipal judge may upon finding any person guilty of contempt, under the provisions of Section 800.12, Wis. Stats., order such person to forfeit not more than fifty dollars (\$50.00) plus twenty (20) percent penalty assessment under Section 165.87, Wis. Stats. and one percent jail assessment or ten dollars (\$10.00), whichever is greater, under Section 53.46, Wis. Stats. Upon nonpayment of the forfeiture and assessments the person found of contempt may be sentenced to the county jail not to exceed seven days. (Prior code § 2-3-13(k))

#### 2.48.120 Stipulations and deposits in municipal court.

A. The municipal judge shall establish and submit to the council for approval a schedule of deposits for violations of city ordinances, resolutions and bylaws, except traffic regulations, which are governed by Section 345.27, Wis. Stats. When approved by the council, such deposit schedule shall be posted in the office of the municipal court clerk and the city police department.

B. Persons cited for violations of city ordinances, resolutions or bylaws for which a deposit has been established under this section shall be permitted to make a stipulation of no contest and a deposit in lieu of court appearance as provided by state law.

C. The deposit schedule established by the Wisconsin Board of County Judges and the procedures set forth in Chapters 23 and 345, Wis. Stats., shall apply to stipulations and deposits for violations of traffic regulations enacted in accordance with Section 345.27, Wis. Stats. (Prior code § 2-3-13(I))

#### 2.48.130 Clerk of the municipal court.

A. Appointment. The municipal judge shall, in writing, appoint a clerk of the municipal court. The clerk's salary shall be fixed by the common council. The clerk of the municipal court shall hold office for a two-year term of office, running concurrently with the municipal judge's term of office. The clerk shall, before entering upon the duties of his or her office, take the oath provided by Section 19.01, Wis. Stats., and give such bond as the common council may require. The oath and bond of the clerk of municipal court shall be filed with the city administrator. The cost of such bond shall be paid by the city.

B. Duties. The court clerk shall:

1. File and review citations and complaints, assuring their correctness;
2. Reply to departmental mail concerning routine matters as prescribed by the municipal judge;
3. Assign docket numbers to citations and complaints, type the docket sheets, and gather all material pertinent to cases;
4. Determine and schedule court dates and facilities;
5. Communicate with law officers, attorneys, and defendants regarding court proceedings;
6. Balance dockets at the conclusion of court proceedings;
7. Prepare and mail warrants and summons;
8. Prepare monthly report of financial activities;
9. Assist in the collection of traffic bonds;
10. Prepare necessary communications for jury trials and transfers to circuit court;
11. Perform such other duties specified in the Wisconsin Statutes as may hereafter be prescribed by the common council. (Prior code § 2-3-14)

#### 2.48.140 Juvenile dispositions and sanctions.

A. For a juvenile adjudged in municipal court to have violated an ordinance, the municipal court is authorized to impose any of the dispositions listed in Section 938.342, 938.343 and 938.344 Wis. Stats., in accordance with the provisions of such statutes.

B. For a juvenile adjudged to have violated an ordinance who violates a condition of a dispositional order of the municipal court under Sections 938.342, 938.343 or 938.344 Wis. Stats., the municipal court is authorized to impose any of the sanctions listed in Section 938.355(6)(d) Wis. Stats., in accordance with the provisions of such statutes. (Ord. 343-A §§ 1, 2, 1996)

## **OMRO MUNICIPAL CODE**

### **Title 2 ADMINISTRATION AND PERSONNEL**

#### **Chapter 2.52 EMERGENCY GOVERNMENT OPERATIONS**

2.52.010	Emergency government defined
2.52.020	Emergency government director
2.52.030	Utilization of existing services and facilities
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2.52.010 Emergency government defined.

"Emergency government" means the preparation for and carrying out of all emergency functions, other than functions for which the military forces are primarily responsible, to minimize and repair injury and damage resulting from disaster caused by enemy attack, sabotage or other hostile action or by fire, flood or other natural causes. (Prior code § 5-5-1)

2.52.020 Emergency government director.

A. Conditions of Employment. The emergency government director shall be appointed by the mayor, subject to confirmation by the common council, and shall receive such salary as may be authorized by the council. He or she shall take and file an official oath.

B. Duties. The director shall be the executive head of the city emergency government organization and shall have direct responsibility for the organization, administration and operation of such organization, subject to the direction and control of the mayor and the common council. In addition to such powers and responsibilities as may be imposed on him or her from time to time by the council, the director shall:

1. Coordinate all activities for emergency government within the city;
2. Maintain liaison and cooperate with emergency government agencies and organizations of other political subdivisions and of the state and federal governments;
3. Participate in county and state emergency government activities upon request;
4. Prepare a comprehensive general plan for the emergency government of the city and present such plan to the common council for its approval;
5. Upon the declaration of an emergency, issue all necessary proclamations as to the existence of such state of emergency and such disaster warnings or alerts as are required by the emergency government plan.

C. Assistants. Such deputy and assistant directors may be appointed by the director, subject to the approval of the common council, as may be deemed necessary. Such appointees shall

receive such compensation as the common council may determine. (Prior code § 5-5-2)

#### 2.52.030 Utilization of existing services and facilities.

In preparing and executing the emergency government plan, the director shall utilize the services, equipment, supplies and facilities of the existing departments and agencies of the city to the maximum extent practicable. When the common council has approved the plan, all municipal agencies and departments of the city shall perform the duties and functions assigned by the approved plan. (Prior code § 5-5-3)

#### 2.52.040 Declarations of emergency.

The emergency government organization shall take action in accordance with the emergency government plan only after a declaration of emergency and the issuance of official disaster warnings. Declarations of emergency shall be made by the Governor, the common council or the mayor or, in his absence, by the director. Such state of emergency shall continue until terminated by the issuing authority, provided any declaration not issued by the Governor may be terminated by the common council. (Prior code § 5-5-4)

#### 2.52.050 Emergency regulations.

Whenever necessary to meet an emergency for which adequate regulations have not been adopted by the common council, the mayor or, in his or her absence, the emergency government director may proclaim, promulgate and enforce orders, rules and regulations relating to the conduct of persons and the use of property which are necessary to protect the public peace, health and safety, to preserve lives and property and to insure cooperation in emergency government activities. Such proclamations shall be posted in three public places and may be rescinded by resolution of the common council. (Prior code § 5-5-5)

#### 2.52.060 Obstruction of emergency government organization--Penalty.

A. No person shall willfully obstruct, hinder or delay any member of the emergency government organization in the enforcement of any order, rule, regulation or plan issued pursuant to this chapter or violate any order, rule, regulation or plan issued pursuant to the authority contained in this chapter.

B. Any person who shall violate any provision of subsection A of this section shall be subject to a penalty as provided in Chapter 1.24. (Prior code § 5-5-6)

#### 2.52.070 County-municipal joint action emergency government plan.

A. A joint action ordinance of the board of supervisors of Winnebago County providing for a county-municipal joint action emergency government plan of organization adopted by the county board on the twenty-first day of January, 1975. A copy of this county ordinance is adopted and incorporated by reference to the ordinance codified in this section, and made a part hereof, by reference, and is hereby ratified and accepted by the city. This ratification and



acceptance of the joint action ordinance shall constitute a mutual agreement between the municipality of Omro and the county of Winnebago as provided in the joint action ordinance.

B. The county-municipal emergency government director, appointed and employed by the Winnebago County board as provided in the referred to ordinance is designated and appointed emergency government director for the city subject to the conditions and provisions as set forth in the Wisconsin Statutes, and the Winnebago County joint action ordinance. (Prior code § 5-5-7)