

**Chapter 45**  
**OFFICERS AND EMPLOYEES**

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[HISTORY: Adopted by the Village Board of the Village of Iola 2-12-1996 as Title 2, Ch. 3, of the 1996 Code. Amendments noted where applicable.]

**GENERAL REFERENCES**

Boards, commissions and committees — See Ch. 15.  
Fire Department — See Ch. 30.

Police Department — See Ch. 50.  
Village Board — See Ch. 62.

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**§ 45-1. General provisions.**

- A. Officers shall have generally the powers and duties prescribed for like officers of towns and villages, except as otherwise provided, and such powers and duties as are prescribed by law and except as to the Village President, shall perform such duties as shall be required of him or her by the Village Board. Officers whose powers and duties are not enumerated in Chapter 61 of the Wisconsin Statutes shall have such powers and duties as are prescribed by law for like officers or as are directed by the Village Board.
- 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 officers shall apply to village officers.
- D. Whenever a village official in his or her official capacity proceeded against or obliged to proceed before any court, board or commission, to defend or maintain his or her official position, or because of some act arising out of the performance of his or her official duties, and he or she has prevailed in such proceedings, or the Village Board has ordered the proceedings discontinued, the Board may provide for payment to such official such sum as it sees fit, to reimburse him or her for the expenses reasonably incurred for costs and attorney's fees.

**§ 45-2. Village Clerk-Treasurer.**

- A. Consolidated offices. Pursuant to Sections 61.195, 61.197 and 66.01 of the Wisconsin Statutes, the village hereby elects not to be governed by those portions of Sections 61.19, 61.23 and 61.25(2), Wis. Stats., which relate to the selection and tenure of the Clerk and Treasurer, and which are in conflict with this section.
- B. Appointment. There is hereby created the office of Village Clerk-Treasurer, who shall be appointed by the Village President, subject to confirmation by a majority vote of the members of the Village Board. The Village Clerk-Treasurer shall hold office for an indefinite term, subject to removal as provided in Section 17.12(1)(c) and (d), Wis. Stats.
- C. Duties. The Village Clerk-Treasurer shall perform the statutory duties of Village Clerk and Treasurer and such other duties as required by the Village Board (Charter ordinance).

**§ 45-3. Deputy Clerk-Treasurer.**

The Village President may appoint a Deputy Clerk-Treasurer subject to confirmation by a majority of all the members of the Village Board. The Deputy Clerk-Treasurer shall have an indefinite term of office. The Deputy Clerk-Treasurer shall act under the Clerk-Treasurer's direction and, during the temporary absence or disability of the Clerk-Treasurer or during a vacancy in such office, shall perform the duties of Clerk-Treasurer. The acts of the Deputy shall be covered by official bond as the Village Board shall direct.

**§ 45-4. Village Attorney.**

- A. Appointment. The Village Attorney is an appointed position. The Village President shall at the organizational meeting in April appoint a Village Attorney, subject to confirmation by a majority of the members of the Village Board. The Village Attorney shall serve at the pleasure of the Village Board.
- B. Duties. The Village Attorney shall have the following duties:
  - (1) The Village Attorney shall conduct all of the legal business in which the village is interested.
  - (2) The Village Attorney shall, when requested by village officers, give written legal opinions, which shall be filed with the village.
  - (3) The Village Attorney shall draft ordinances, bonds and other instruments as may be required by village officers.
  - (4) The Village Attorney 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 village. Such assistant shall receive no compensation from the village, unless previously provided by ordinance.
  - (5) The Village Board may employ and compensate special counsel to assist in or take charge of any matter in which the village is interested.

- (6) The Village Attorney shall perform such other duties as provided by state law and as designated by the Village Board.

#### **§ 45-5. Chief of Police.**

##### **A. Appointment.**

- (1) The Village Board may authorize the filling of the position of Chief of Police. The Chief of Police shall be appointed by a majority vote of the members of the Village Board for an indefinite term at the pleasure of the Board, subject to removal by a majority vote of the members of the Board, pursuant to the procedures established in Sec. 61.65(1)(am), Wis. Stats. The Chief shall exercise the powers and duties of village marshals and village constables and any other powers and duties prescribed by the Village Board, village ordinances or the Wisconsin Statutes. Upon a vacancy, the ranking officer shall temporarily replace the Chief until the vacancy is filled by the Village Board.
- (2) The compensation to be paid the Chief of Police for his/her services, the hours of active duty, rest days, vacation periods and other involvement of his/her employment shall be such as may be determined by the Village Board from time to time.

##### **B. General duties.**

- (1) The Chief of Police shall have command of the Police Department. He/she shall have general administration and control of the Department and shall be responsible for the Department's government, efficiency and general good conduct. He/she shall perform all duties prescribed to him or her by the laws of the state and the ordinances of the village and shall obey all lawful written orders of the Village President or Village Board.
- (2) The Chief of Police shall cause the public peace to be preserved and may arrest and with reasonable diligence take before the proper court every person found in the village engaged in any disturbance of the peace or violating any law of the state or ordinance of the village. The Chief shall cooperate with other law enforcement officers in the arrest or apprehension of person charged with crime.

#### **§ 45-6. Fire Chief.**

A. Appointment. The Fire Chief shall be appointed pursuant to the bylaws of the Iola and Rural Fire Department.

##### **B. Powers and duties of Chief.**

- (1) The Chief shall have general supervision of the Department, subject to this chapter and the bylaws of the Department and shall be responsible for the personnel and general efficiency of the Department.
- (2) It shall be the duty of the Chief to preside at all meetings of the Department, to call special meetings, to preserve order, to decide all points of order that may arise and to enforce a rigid observance of this section and the bylaws.

- (3) It shall be the duty of the Chief or ranking officer of the Department to be present at all fires, to have complete command of and entire responsibility for all fire-fighting operations, to plan the control of the same, to direct the action of the company when they arrive at a fire, to observe that the Department does its duty, to grant leaves of absence at a fire when he or she may deem it proper and to see that the fire apparatus is kept in proper condition at all times.
- (4) The Fire Chief shall enforce all fire prevention ordinances of this village 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.
- (5) The Fire Chief 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 building and contents, estimated fire loss, time fire was extinguished, names of men or women responding and general remarks.

#### **§ 45-7. Weed Commissioner.**

The Weed Commissioner shall be appointed by the Village President, subject to Village Board confirmation. The term of office of the Weed Commissioner shall commence on the first day of May following his or her appointment. The Weed Commissioner shall take the official oath, which oath shall be filed in the office of the Village Clerk-Treasurer, and shall hold office for one year. The Weed Commissioner shall hold office pursuant to and fulfill the duties set out in state law.

#### **§ 45-8. Director of Public Works.**

- A. Appointment. The Director of Public Works shall be appointed by a majority vote of the Village Board solely on the basis of merit, training, experience, administrative ability, efficiency and general qualifications and fitness for performing the duties of the position.
- B. Term. The Director of Public Works shall hold office for an indefinite term at the pleasure of the Board, subject to removal by a majority vote of the Village Board.
- C. Duties and powers. The Director of Public Works shall have the following duties and powers:
  - (1) He/she shall have general charge and supervision of all public works in the village.
  - (2) He/he shall be responsible for the maintenance, repair and construction of streets, alleys, curbs and gutters, sidewalks, bridges, street signs, storm sewers, village buildings and structures and all machinery, equipment and property used in any activity under his or her control.
  - (3) He/she shall have charge of all public services, including garbage and refuse collection and disposal, snow and ice removal, street cleaning and flushing, mosquito and rodent control.

- (4) He/she shall perform such other activities and duties as are imposed upon him or her from time to time by the Village Board or by his or her job description and employment contract.

**§ 45-9. Assessor.**

- A. Pursuant to Sections 61.195, 61.197 and 66.01 of the Wisconsin Statutes, the village hereby elects not to be governed by those portions of Sections 61.19 and 61.23 of the statutes which relate to the selection and tenure of the Village Assessor, and which are in conflict with this section (Charter ordinance).
- B. Hereafter, instead of being elected, the Assessor or assessing firm shall be appointed by the Village President, subject to confirmation by a majority vote of the members-elect of the Village Board. A corporation or an independent contractor may be appointed as the Village Assessor. The corporation or independent contractor so appointed shall designate the person responsible for the assessment. The designee shall file the official oath under Sec. 19.01, Wis. Stats., and sign the affidavit of the Assessor attached to the assessment roll under Sec. 70.49, Wis. Stats. No person may be designated by any corporation or independent contractor unless he or she has been granted the appropriate certification under Sec. 73.09, Wis. Stats. For purposes of this subsection, "independent contractor" means a person who either is under contract to furnish appraisal and assessment services or is customarily engaged in an independently established trade, business or profession in which the services are offered to the general public.
- C. The Assessor shall have an indefinite term of office, subject to removal under Sec. 17.14(1), Wis. Stats.

**§ 45-10. Building Inspector.**

- A. Building Inspector position.
  - (1) There is hereby created the position of Building Inspector, who shall be appointed by the Village President, subject to confirmation by the Village Board. His or her appointment shall continue during satisfactory service. He or she shall not be removed from office except for cause after full opportunity has been given him or her to be heard on specific charges.
  - (2) During temporary absence or disability of the Building Inspector, the appointing authority shall designate an acting Building Inspector.
  - (3) The manner and amount of compensation to be paid to the Building Inspector shall be fixed by the Village Board.
- B. Powers and duties.
  - (1) It shall be the duty of the Building Inspector to see to the enforcement of all ordinance provisions relating to building permits and zoning.
  - (2) The Building Inspector shall make all inspections necessary for compliance and enforcement of Chapter 262, Zoning.

- (3) The Building Inspector shall have the power to order all work stopped on construction, alteration or repair of buildings, plumbing equipment, gas piping or of electrical facilities in the village when such work is being done in violation of any village ordinance. Work shall not be resumed after the issuance of such an order except on written permission of the Inspector.
  - (4) The Building Inspector shall issue or cause to be issued all proper permits for such work after payment of the fees required therefor. He or she shall process all applications, make all inspections and have the authority to issue or cause to be issued a certificate of completion.
- C. Right of entry. The Building Inspector shall have the power to make or cause to be made an entry into any building or premises where the work of altering, repairing or constructing any building or structure is going on, including plumbing and electrical work.

**§ 45-11. Eligibility for office.**

- A. No person shall be elected by the people to a village office, who is not at the time of his or her election a citizen of the United States and of this state, and an elector of the village, and in case of a ward office, of the ward, and actually residing therein.
- B. An appointee by the Village President, requiring to be confirmed by the Village Board, who shall be rejected by the Board, shall be ineligible for appointment to the same office for one year thereafter.

**§ 45-12. Oaths of office.**

- A. Requirement. Within five days after the election or appointment of any village officers, the Village Clerk-Treasurer shall notify the person so selected thereof. Every person elected or appointed to the office of Village President, Trustee, and Clerk-Treasurer shall within five days after election or notice thereof, when required, take and file the official oath.
- B. Form; procedure. The form, filing and general procedure for the taking of oaths shall be governed by Ch. 19, Subchapter 1, Wis. Stats.

**§ 45-13. Vacancies.**

- A. How occurring. Except as provided in Subsection C below, vacancies in elective and appointive positions occur as provided in Sections 17.03 and 17.035, Wis. Stats.
- B. How filled. Vacancies in elective and appointive offices shall be filled as provided in Sec. 17.23, Wis. Stats.
- C. Temporary incapacitation. If any officer be absent or temporarily incapacitated from any cause, the Board may appoint some person to discharge his or her duties until he or she returns or until such disability is removed.

**§ 45-14. Removal from office.**

- A. Elected officials. Elected officials may be removed by the Village Board as provided in Sections 17.12(1)(a) and 17.16, Wis. Stats.
- B. Appointed officials. Appointed officials may be removed as provided in Sections 17.12(1)(c) and 17.16, Wis. Stats.

**§ 45-15. Custody of official property.**

Village officers must observe the standards of care imposed by Section 19.21, Wis. Stats., with respect to the care and custody of official property.

**§ 45-16. Official bonds.**

Every officer shall, if required by law or the Village Board, upon entering upon the duties of his or her office, give a bond in such amount as may be determined by the Village Board with such sureties as are approved by the Village President, conditioned upon the faithful performance of the duties of his or her office. Official bonds shall be filed with the office of the Village Clerk-Treasurer. Any person reelected or reappointed to the same office shall take and file an official bond for each term of service.

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