

**TOWN OF OSCEOLA
POLK COUNTY WISCONSIN**

CODE OF ORDINANCES

Chapter 1

GENERAL GOVERNMENT

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1.01 ELECTED OFFICIALS.

The elected officials of the Town shall be a Town Chairman and 2 supervisors, Town Treasurer, Town Clerk and a Town Constable, or as many constables as have been established by the last Annual Town meeting.

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1.02 APPOINTED OFFICIALS.

The following Town officials shall be appointed in the manner and for the term indicated:

<u>Official</u>	<u>How Appointed</u>	<u>Term</u>
Animal Warden	Town Board	Indefinite
Assessor	Town Board	Indefinite
Attorney	Town Board	Indefinite
Building Inspector	Town Board	Indefinite

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1.03 OATHS AND BONDS.

Elected and appointed officials shall take and file the official oath within 5 days after notice of their election or appointment and shall execute and file the official bond as required by State Statutes and this General Code.

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1.04 REMOVALS.

- (1) **ELECTED OFFICIALS.** Elected officials may be removed by the Town Board as provided in §17.13 (2), Wis. Stats., or by the judge of the Circuit Court for cause pursuant to §17.13 (3), Wis. Stats., or as provided by §17.16, Wis. Stats.
- (2) **APPOINTED OFFICIALS.** Appointed officials may be removed as provided in §§17.13 (1) and (3) and 17.16, Wis. Stats.

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1.05 VACANCIES.

- (1) **HOW OCCURRING.** Vacancies in elective and appointive positions are caused as provided in §§17.03 and 10.035, Wis. Stats.
- (2) **HOW FILLED.** Vacancies in elective and appointive offices shall be filled as provided in §17.23, Wis. Stats.

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1.06 SALARIES.

(Am. MSC '93) The salaries of all elected and appointed officials, including members of boards and commissions, shall be as determined by the annual Town meeting or the Town Board, where applicable when authorized under §60.10 (2) (k), Wis. Stats., provided salaries and compensation rates of elected officials shall not be increased or reduced during their terms of office. (See §60.32, Wis. Stats.)

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1.07 RECEIPT OF GIFTS AND GRATUITIES.

(1) RESTRICTED. No Town employee or official shall receive or offer to receive, either directly or indirectly, any gift, gratuity or other thing of value which he is not authorized to receive from any person who:

- (a) Has or is seeking to obtain contractual or other business or financial relationships with the Town or Town Board;
- (b) Conducts operations or activities which are regulated by the Town or Town Board; or
- (c) Has interests which may be substantially affected by the Town or Town Board.

(2) PENALTY. The receipt of any gift, gratuity or other thing of value as denoted above is contrary to the public policy of the Town and is punishable as provided in §946.12, Wis. Stats. Such conduct shall also be punishable under §25.04 of this General Code.

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1.10 TOWN CHAIRMAN AND SUPERVISORS.

(1) ELECTION AND TERM. See §1.01 of this chapter.

(2) AUTHORITY. The Town Board shall have all powers of the Town not specifically given to some other body or officer. Except as otherwise provided by law, public service; may act for the government and good order of the Town, for its commercial benefit and for the health, safety, welfare and convenience of the public; and may carry its powers into effect by license, regulations, suppression, borrowing, taxation, special assessment, appropriation, imposition of forfeitures and other necessary or convenient means. The Town Board may appoint such officials from time to time as may be deemed necessary for the benefit of the community. In addition, the Board shall have the powers enumerated in §60.22, Wis. Stats., and may exercise the powers enumerated in §60.23, Wis. Stats. The powers hereby conferred shall be in addition to all other grants and shall be limited only by express language.

(3) OTHER PROVISIONS. See also Ch. 2 of this General Code.

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1.11 ASSESSOR.

(1) APPOINTMENT AND TERM. See §1.02.

(2) POWERS AND DUTIES.

(a) Applicable Statute. See §60.307, Wis. Stats.

(b) Other Duties Prescribed by Law. He shall perform such other duties as shall be prescribed by State law, supervisory personnel of the State Department of Revenue and the Town Board, including attendance at all meetings of the Board of Review.

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1.12 TOWN ATTORNER.

- (1) APPOINTMENT AND TERM. See §1.02 of this chapter.
- (2) POWERS AND DUTIES. The Town Attorney shall perform such duties as directed by the Town Board.

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1.13 CLERK/TREASURER. (Rep. & recr. Res. #9-94)

(1) ELECTION AND TERM. See §1.01 of this chapter.

(2) POWERS AND DUTIES. The Town Clerk/Treasurer shall have such powers and perform such duties as prescribed by State law and directed by the Town Board. See §§60.33, 60.34, 60.305 (1), and 60.10 (b)(2), Wis. Stats.

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1.14 (Repealed). (Res. #9-94)

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1.15 TOWN CONSTABLE.

- (1) **STATUTORY AUTHORITY.** Pursuant to §60.22(4) and §60.35, Wis. Stats., the Town Board hereby establishes the jurisdiction and duties of the Town Constable as described herein.
- (2) **JURISDICTION AND DUTIES.** The Town Constable shall:
 - (a) Keep and preserve the peace within the Town and shall have the full peace powers to arrest and apprehend any person for felony or breach of peace pursuant to §59.24, Wis. Stats., and for purposes of carrying out such duties shall be considered a peace officer as defined in §939.22(22), Wis. Stats.
 - (b) Suppress unlawful assemblies within the Town pursuant to §947.06, Wis. Stats.
 - (c) Serve within this county any writ, process, order or notice and execute any order, warrant or execution lawfully directed to or required to be executed by him by any court or officer.
 - (d) Attend upon the sessions of the Circuit Court in this county when required by the sheriff.
 - (e) Inform the District Attorney of all trespasses on public lands of which he has knowledge and information.
 - (f) Impound cattle, horses, sheep, swine and other animals at large on the highways in violation of any published order or ordinance adopted by the Town Board.
 - (g) Cause to be prosecuted all violations of law of which he has knowledge or information.
 - (h) Perform all other duties required by any law.

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(Adopted 11-12-01)

1.16 CLERK/TREASURER CHANGED TO APPOINTED POSITION

The Town Board of the Town of Osceola recognizes that the administrative duties of the position of Clerk/Treasurer have become extensive in both the complexities of municipal administration and in technological requirements. In order to assure continuity of capability and performance in the Clerk/Treasurer position the Town Board recognizes the need to change the position to an appointed position where performance and experience standards may be applied to the requirements of appointment.

- (1) Subject to approval in a referendum called by the Town Board at the April 2, 2002 Spring Election, the combined position of Clerk/Treasurer for the Town of Osceola, Polk County, Wisconsin, shall be an appointed position.
 - a) That appointment to the combined position of Clerk/Treasurer shall be made by the majority vote of the Town Board of the Town of Osceola for a term not exceed three years.
 - b) That the compensation for the position of Clerk/Treasurer shall be established by majority vote of the Town Board and shall be reviewed annually.
 - c) That the person appointed to the combined position of Clerk/Treasurer may be re-appointed and may be dismissed by majority vote of the Town Board only for cause, as defined in Wis. Stats 17.16(2).

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(Adopted 10-08-05)

1.17 NEW EMPLOYEE PROBATION

All newly hired and rehired Town of Osceola full-time or part-time employees and full-time or part-time non-elected officers will have a six (6) calendar month probation period. Any newly hired or rehired Town of Osceola full-time employee or full-time non-elected officers may be terminated at anytime during the probation period without charge, cause or without hearing subject to compliance by the Town of Osceola with proper public policy, with applicable federal and state laws, federal and state regulations and Town of Osceola ordinances. The Town Board of the Town of Osceola reserves the right for any newly hired or rehired full-time employee or full-time non-elected officer to extend his or her probation period at anytime during the original probation period up to an additional six (6) months.