

**CITY OF MUSKEGO
CHAPTER 1 - GENERAL GOVERNMENT**

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1.01 FORM OF GOVERNMENT

The City of Muskego, Wisconsin operates under the Mayor-Council form of government under Ch. 62, Wis. Stats.

1.02 MAYOR AND COMMON COUNCIL

The Mayor shall be elected as stated in Charter Ordinance #13. Aldermen of the 1st, 3rd and 5th districts shall be elected for 2-year terms in even-numbered years. Aldermen for districts 2, 4, 6 and 7 shall be elected for 2-year terms in odd-numbered years. All such terms shall commence on the 3rd Tuesday of April. (Ord. #664 - 10-19-89)

1.03 ELECTED OFFICIALS (Rescinded - Ord. #949 - 11-06-97)

1.04 APPOINTED OFFICIALS

All appointed officials, when such offices are created by the Council shall be appointed by the Mayor subject to confirmation by the Common Council.

1.05 BOARDS AND COMMISSIONS

(1) BOARD OF REVIEW (Ord. #1024 - 04-20-2000)

- (a) Membership. The Board of Review shall consist of 5 members and 1 or more alternate members(s) who are citizens of the City. None of the members may hold any public office, or be publicly employed by the City of Muskego. The first alternate member shall act with full power when three members are absent, refuse, or are otherwise unavailable to hear an objection. The second alternate member (if any) shall act with full power when four members (or three members and the first alternate member) are absent, refuse, or are otherwise unavailable to hear an objection. Additional alternate members (if any) shall act, in order of their priority, when necessary to provide three members/alternate members to hear an objection. (Ord. #1189 - 03-31-2005)
- (b) One member shall be appointed annually by the Mayor, subject to the confirmation of the Council, for a term of 5 years, provided that initially 5 members shall be appointed for terms of 1, 2, 3, 4 and 5 years, respectively. The Mayor shall appoint, subject to confirmation of the Council, one alternate member for a term of 5 years. The Mayor may appoint, subject to confirmation of the Council, additional alternate members, in addition to the one required alternate member. If more than one alternate member is appointed, the Mayor, subject to the confirmation of the Council, shall designate one of the existing or newly appointed alternate members as 1st alternate, one as 2nd alternate, and so forth to establish the priority of all alternate members. The terms of any additional alternate members shall be for five years, unless that term must be reduced by one or more years at the time of appointment, to ensure that no two alternate members' terms end in the same year.

- (c) Clerk. The Clerk-Treasurer shall act as Clerk of the Board of Review but shall not be a member thereof, and shall keep an accurate record of all its proceedings.
- (d) Each member of the Board shall receive compensation in an amount to be established from time to time by Resolution of the Common Council for: (Ord. #1056 – 03-08-2001)
 - 1. attendance at training sessions approved by the Mayor; and
 - 2. attendance on the dates when the Board of Review is in actual session.
- (e) (Ord. #1056 – 03-08-2001) Each alternate member shall receive compensation in an amount to be established from time to time by Resolution of the Common Council for:
 - 1. attendance at training sessions approved by the Mayor; and
 - 2. the alternate member's attendance thereto is requested by the Clerk, for dates when the Board of Review is in actual session.
- (f) Filing and Electronic transmission. Filing documents with the Clerk of the Board of Review may be accomplished in-person, by mail, by facsimile transmission or by e-mail transmission. In each case the document is not deemed to be filed until, and it is only deemed to be filed if, it is complete and (i) it is actually received by the Clerk in-hand, in the case of in-person delivery, mail or facsimile; or (ii) it is opened by the Clerk, in the case of email. No document transmitted by facsimile transmission or by email transmission while the Board of Review is in session shall be deemed filed with the Clerk during the session in that the Clerk will not be able to receive the same while the Board of Review is in session. The party transmitting the document is solely responsible for ensuring its timely and complete receipt and filing. (Ord. #1372 – 06-20-2013)

(2) PLAN COMMISSION.

The Plan Commission shall consist of the Mayor who shall be its presiding officer, a member of the Parks and Conservation Committee, an Alderman elected annually by 2/3 vote of the Council, and four (4) citizen members, one of whom shall be appointed annually by the Mayor and confirmed by the Common Council for a term of three (3) years. If the Mayor recuses himself from acting as presiding officer concerning any matter or matters, the Alderman member of the Plan Commission shall act as the presiding officer and if said Alderman does not act, the commission shall select a presiding officer. In the case of the Mayor's absence or inability pursuant to Chapter 2:2.07, the "Acting Mayor" shall act as presiding officer, except when the Mayor has recused himself as stated in the paragraph. The Plan Commission shall have the powers and duties prescribed in Sec. 62.23, Wis. Stats. (Ord. #1395 - 04-23-2015)

(3) BOARD OF ZONING APPEALS.

The Board of Appeals shall consist of five citizens and two alternate citizen members appointed pursuant to Section 62.23(7)(e), Wisconsin Statutes. (Ord. #1107 - 07-03-2002)

(4) BOARD OF HOUSING APPEALS.

The Board of Zoning Appeals will act as the Board of Housing appeals and when acting as the Board of Housing Appeals, will have the rights conferred by Chapter 19 of the Municipal Code of the City of Muskego. (Ord. #566 - 04-28-87)

(5) POLICE AND FIRE COMMISSION. See sec. 4.01 of this Municipal Code.

(6) PARK AND CONSERVATION COMMITTEE. (Ord. #1395 – 04-23-2015)

- (a) Composition. The Parks and Conservation Committee shall consist of 7 citizens for the first two years, whom shall be appointed annually by the Mayor and confirmed by the Council for a term of 3 years, provided that the initial appointments shall be for terms of 1, 2, and 3 years, respectively. After the two-year period, the Committee shall consist of 5 citizens. Two additional members shall consist of an Alderman and a representative of the school district within the City who shall be appointed by the Mayor subject to confirmation of the Council. The school district representative shall be appointed for a term of 2 years and the Alderman member for a term of one year. All terms shall commence on May 1. The Alderman and school district representative shall serve so long as they hold their respective positions.
- (b) Officers. The Committee shall annually select a president, vice president, and secretary from among its members and may choose such other officers as the Committee deems necessary. Such officers shall have duties as shall be assigned by the Committee.
- (c) Quorum. Attendance of 5 members of the Committee shall be necessary for a quorum for the first two years when the Committee consists of a total of 9 members. Following the two-year period, attendance of 4 members shall be necessary for a quorum.
- (d) Rules of Procedure. The Committee shall adopt such rules of procedure as it deems necessary for the conduct of its proceedings.
- (e) Powers and Duties. The Committee does not constitute a board of park commissioners organized pursuant to the provisions of Chapter 27 of the Wisconsin Statutes, and shall have the following recommending powers and duties to the Common Council.
 - 1. To improve and care for all municipally owned public parks, open space, conservation areas, parkways, and public recreational property located within or partly within and partly without the City, and secure the quiet, orderly and suitable use and enjoyment thereof by the people; also to adopt rules and regulations to promote those purposes.
 - 2. To acquire in the name of the City for park, parkway, open space, conservation land, boulevard, pleasure drive, or public recreational purposes by gift, devise, bequest or condemnation, either absolutely or in trust, money, real or personal property, or any incorporeal right or privilege. Gifts to the City of money or other property, real or personal, either absolutely or in trust, for park, parkway, boulevard, pleasure drives or public recreational purposes shall be accepted only after they shall have been recommended to and approved by Common Council. Subject to the approval of the Common Council, the Committee may execute every trust imposed upon the use of property rights by deed, testament or other conveyance, transferring the title of such property to the City for park, parkway, boulevard, pleasure drive or public recreational purposes.
 - 3. Subject to the approval of the Common Council, to buy or lease lands in the name of the City for park, parkway, boulevard or pleasure drive

purposes or public recreational purposes within or without the City and, with the approval of the Common Council, to sell or exchange property no longer required for its purposes.

4. To change or improve all parks, parkways, boulevards or pleasure drives within the City limits, at the expense of the real estate to be benefited thereby, as provided in sec. 27.10(4), Wis. Stats.
5. Aid in compilation, administration, and implementation of the adopted Parks and Conservation Plan.
6. Provide insight, administration, and implementation to the City's Lakes, Forestry, and Conservation Programs.
7. Boulevards and pleasure drives shall be excluded from the care and management of the Committee and shall be under the charge of the Board of Public Works.

(f) Staff. Staff to the Committee shall consist of the Community Development Director, Public Works Director, Recreation Manager and such other employees as shall be deemed necessary.

(7) LIBRARY BOARD.(Ord. #1341 07-14-2011)

- (a) Membership. The Library Board shall consist of 9 members. A minimum of seven members must be residents of the municipality. One member shall be a member of the Common Council. In addition, one member must be a school district administrator or his or her representative.
- (b) Appointment and Terms. Appointments shall be made by the Mayor subject to confirmation of the Common Council. The Mayor shall appoint the citizen members for staggered three-year terms. The appointed alderperson and school district representative shall serve a one-year term.
- (c) The Library Board is governed by Sections 43.54 through 43.58 of the Wisconsin State Statutes.

(8) CIVIL DEFENSE COMMISSION. (See Sec. 6.02 of this Municipal Code - Ord. #492 - 05-22-84)

(9) COMMUNITY DEVELOPMENT AUTHORITY (Ord. #1341 07-14-2011)

- (a) Membership. The Community Development Authority shall consist of 7 members. The citizen members shall be residents of the municipality. Two commissioners shall be members of the Common Council.
- (b) Appointment and Terms. Appointments shall be made by the Mayor subject to confirmation of the Common Council. The Mayor shall appoint the citizen members for staggered four-year terms in accordance with Wisconsin State Statutes. The appointed alderpersons shall serve a one-year term.
- (c) The Community Development Authority is governed by Section 66.1335 of the Wisconsin State Statutes.

(10) CONSERVATION COMMISSION (Repealed - Ord. #1395 - 04-23-2015)

(11) ABSENCES. (Ord. #1318 06-03-2010)

Three consecutive absences by an appointed member of any board or commission from regularly scheduled meetings shall operate to vacate the member's office. An absence excused by the Mayor or Committee Chairperson for good cause shall not be considered an absence here under.

1.06 MUNICIPAL COURT (Ord. #1383 – 05-22-14)

- (1) MUNICIPAL COURT ESTABLISHED. Pursuant to the authority granted by Sec. 755.01, Wis. Stats., there is hereby established the Municipal Court for the City.
- (2) OFFICE OF MUNICIPAL JUDGE CREATED. Pursuant to the authority granted by Sec. 755.01, there is hereby established the office of Judge of the Municipal Court for the City.
 - (a) Election: Term. The Municipal Judge shall be elected at large at the spring election pursuant to Sec. 755.02, Wis. Statutes. The term shall commence on May 1 of the year of the judge's election. (Ord. #1360 – 06-21-2012)
 - (b) Salary. The Municipal Judge shall receive a salary as determined from time to time by the Council which shall be in lieu of fees and costs. No salary shall be paid to the Judge for any time during his term for which he has not executed and filed his official bond and oath as required by Sub. (c).
 - (c) Bond: Oath. The Municipal Judge shall execute and file with the Clerk of the Circuit Court for Waukesha County the oath prescribed by Sec. 755.03 and a bond in the penal sum of \$500.00 as prescribed by Wisconsin Statutes.
 - (d) Jurisdiction. The Municipal Judge shall have such jurisdiction as provided by law and Sections 755.045 and 755.05, Wis. Stats., and exclusive jurisdiction of violations of City of Muskego ordinances, resolutions, and bylaws. Pursuant to Wis. Stats., Section 755.10, the Municipal Judge shall, in writing appoint such clerks and deputy clerks as are authorized by the City Common Council. Their salaries shall be fixed by the City Common Council, pursuant to Chapter 755.10, Wis. Stats., and they shall take the oath required by Wis. Stats., Sec. 19.01. The oaths shall be filed with the City Clerk. The Municipal Judge is authorized to issue warrants under Section 66.0119, Wis. Stats.
 - (e) Procedure.
 1. The Municipal Court shall be open as determined by order of the Municipal Judge.
 2. The Municipal Judge shall keep and hold court in the Muskego City Hall unless temporarily designated otherwise by Council resolution. (Ord. #1027 - 05-04-2000)
 3. The procedure in Municipal Court shall be as provided by this section and state law including, but not excluding because of enumeration, chs. 66, 345, 751, 755, 757 and 800, Wis. Stats.
 4. The Municipal Judge shall collect all fines and taxable costs in any action or proceeding before him, and shall pay over such monies to the Director of

Finance and Administration not later than the 2nd business day succeeding his receipt thereof. At such time the Municipal Judge shall also pay over to the Director of Finance and Administration all forfeitures collected by him in actions for violation of municipal ordinances. Court costs/fees for matters adjudicated by the Municipal Court shall be set at the maximum amount allowed by the Wisconsin Statutes. (Ord. #1379 12-19-2013)

- (f) Contempt of Court. The Municipal Judge shall have the power with regard to contempt of court as described in Wisconsin Statutes Section 800.12.
- (g) Qualifications. The Municipal Judge shall be an attorney licensed to practice law in the State of Wisconsin and reside in the City of Muskego. (Ord. #459 - 09-27-83)

(3) **ENFORCEMENT OF ORDINANCES OTHER THAN TRAFFIC ORDINANCES.**

- (a) Any police officer of the City and such other public officials as may be designated by resolution of the Common Council, may issue the following citation with respect to ordinances which are directly related to the official responsibility of the officials.
- (b) Pursuant to the authority of Section 66.0113, Wisconsin Statutes, the City of Muskego hereby elects to use citations for the enforcement of ordinances. The form of citation for all traffic matters shall be the Uniform Traffic Citation as described in Wisconsin Statutes Section 345.11. For all other matters, the form of citation shall be as described in Wisconsin Statutes Section 800.02. The citation shall contain all statutorily required information and notices.
- (c) Schedule of Deposits. The Municipal Judge shall establish and submit to the Common Council for approval, a schedule of deposits for violations of City ordinances, resolutions, and bylaws except in those matters in which the schedule of deposits is set by the Wisconsin Judicial Conference. When approved by the Common Council, such deposit schedules shall be posted in the offices of the Municipal Court Clerk and law enforcement services.
- (d) Stipulations and Deposits. The deposit schedule established by the Wisconsin Judicial Conference and the procedures set forth in Chapters 23 and 345, Wis. Stats., shall apply to stipulations and deposits set by the Wisconsin Judicial Conference.

- (4) **STATE STATUTE BY REFERENCE.** The Municipal Court for the City of Muskego shall be operated pursuant to and in compliance with the provisions of Chapter 800 and all applicable provisions of the Wisconsin Statutes. All State statutes noted in this Section are adopted by reference and shall be deemed incorporated in this Code as if fully set forth herein. Any future addition, amendment, modification or revisions of the current or future statutes incorporated herein are intended to be made part of this Code.

1.07 FULL-TIME OFFICES. (Ord. #1268 – 11-01-07)

The office of Mayor shall be full-time.

1.08 KEEPING OF RECORDS. (Rescinded - Ord. #949 - 11-06-97)

1.09 ELECTIONS

- (1) **POLLING PLACES** (Ord. #1393 – 12-18-14)

Wards 1, 2 and 3 District 1	St. Paul's Lutheran Church & School S66 W14325 Janesville Road
Wards 4 & 5 District 2	Muskego Public Library S73 W16663 Janesville Road
Wards 6, 7 and 8 District 3	Atonement Lutheran Church S70 W16244 Martin Drive
Wards 9 and 10 District 4	Muskego City Hall W182 S8200 Racine Avenue
Wards 11 and 12 District 5	Fox River Christian Church S67 W19491 Tans Drive
Wards 13 and 14 District 6	Tess Corners Vol. Fire Dept. Station #4 W195 S10030 Racine Avenue
Wards 15 and 16 District 7	Tudor Oaks Retirement Community S77 W12929 McShane Drive

(2) ELECTION OFFICIALS.

At each polling place there shall be a minimum of five (5) and a maximum of nine (9) election inspectors. Alternate officials or the selection of two sets of officials to work at different times on election day may be hired at the discretion of the Clerk-Treasurer. (Ord. #1047 – 12/07/00)

(3) POLL HOURS.

The polls in the City shall open at 7:00 A.M. and close at 8:00 P.M.

(4) CANVASSING OF ABSENTEE BALLOTS. (Repealed – Ord. #1393 -12/18/14)

(5) MUNICIPAL BOARD OF ABSENTEE BALLOT CANVASSERS.
(Repealed – Ord. #1393 -12/18/14)

1.10 DEPARTMENT OF ENGINEERING. (Ord. #1252 – 05-03-07)

The Department of Engineering is hereby established and shall include the City Engineer and such employees as the Council may provide from time to time.

(1) TERM AND APPOINTMENT.

The City Engineer shall be appointed by the Mayor, subject to confirmation by the Council, for an indefinite term subject to removal as provided in Wisconsin statutes §17.12.

(2) DUTIES.

The City Engineer shall have the following powers and duties:

- (a) Shall be the head of the Engineering Department, and shall be responsible for planning, organizing, directing, inspection and review of professional engineering work in the design, construction and maintenance of public works, streets and street improvements, sidewalks, sewer systems, water systems, drainage

structures and stormwater management systems in the City or as otherwise directed by the Public Works Committee, the Public Utilities Committee or Common Council.

- (b) Shall be responsible for the engineering work associated with the maintenance, repair and construction of streets, alleys, curbs and gutters, sidewalks, bridges, street signs, stormwater management systems, water systems, storm and sanitary sewer systems and any city buildings and structures and all machinery, equipment and property used in any activity under their control.
- (c) The City Engineer shall keep on file in the Engineer's office, in the office of the City Clerk, a record of all the Engineer's official acts and doings and also a copy of all plats of lots, blocks, subdivisions, stormwater systems, water systems and sewers embraced within the City limits, all profiles of streets, alleys, stormwater systems and drainage structures, water systems and sewers and of the grades thereof, and of all drafts and plans relating to bridges and harbors and of any public buildings belonging to the City; and shall at the same place keep a record of the location of all bench marks and permanent corner stakes from which subsequent surveys shall be started; which said records and documents shall be the property of the City and open to the inspection of parties interested, and shall be delivered over by said Engineer to the Engineer's successor or to the Public Works and Public Utilities Committees. Whenever requested, the Engineer shall make a report of all the acts and doings of the Engineer's Department to the Public Works Committee, the Public Utilities Committee, or the Common Council.
- (d) Shall also perform such other duties as from time to time may be prescribed by the Mayor, Council, Public Works or the Public Utilities Committees.

(3) COMPENSATION

The City Engineer shall receive such compensation as the Council may from time to time determine.

1.11 PUBLIC WORKS SUPERINTENDENT

(1) APPOINTMENT.

The Office of Public Works Superintendent shall be filled by recommendation of the Public Works Committee, appointment by the Mayor, subject to confirmation by the Council.

(2) DUTIES.

The Public Works Superintendent shall supervise, under the direction of the City Engineer, except where otherwise directed by the Council, all of the street work of the City. He shall keep a record time book of all persons and equipment employed by him or placed under his direction. Such record book shall be the property of the City and shall be subject at all times to the inspection of any member of the Council, and shall always be kept in the office of the Comptroller. The Public Works Superintendent shall certify to the time of each person employed on the streets under his supervision, and his certificate shall be taken by the Council for the time of each of the said City employees. He shall have no authority to purchase or sell any material or to employ any men or equipment except as directed by the Council, and he shall be at all times subject to the order of the Public Works Committee, where such order is not in conflict with the acts of the Council.