

SEC. 2-3-6 FIRE CHIEF.

- (a) **Appointment.** The Fire Chief shall assume office pursuant to the bylaws of the Nichols Volunteer Fire Department. He shall be the Village Fire Inspector with the approval of the Village Board.
- (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) 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.

Cross Reference: Title 5, Chapter 2.

SEC. 2-3-7 FIRE INSPECTOR.

The Fire Inspector shall be appointed by the Nichols Fire Department, subject to confirmation by the Village Board.

SEC. 2-3-8 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 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.

State Law Reference: Sections 66.97 and 66.98, Wis. Stats.

SEC. 2-3-9 SUPERINTENDENT OF PUBLIC WORKS.

- (a) **Appointment.** The Superintendent of Public Works shall be appointed by the Village President, subject to confirmation by a majority vote of the Village Board, 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 Superintendent of Public Works shall be appointed pursuant to Section 2-3-2.
- (c) **Duties and Powers.** The Superintendent of Public Works shall have the following duties and powers:
 - (1) He shall have general charge and supervision of all public works in the Village.
 - (2) He shall be responsible for the maintenance, repair and construction of streets, alleys, curbs and gutters, sidewalks, bridges, street signs, water and sewer utilities, storm sewers, Village buildings and structures and all machinery, equipment and property used in any activity under his control.

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

SEC. 2-3-10 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. Said person so appointed to perform the duties of such office shall serve as determined by contract. 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 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.

State Law Reference: Public Official's oaths and bonds, Sec. 19.01, Wis. Stats.; corporation as assessor, Sections 61.197 and 61.27, Wis. Stats.; affidavit of assessor, Sec. 70.49, Wis. Stats.; assessor certification, Sec. 73.02, Wis. Stats.; assessors in cities, Sec. 70.05, Wis. Stats.

SEC. 2-3-11 ELIGIBILITY FOR OFFICE.

- (a) No person shall be elected by the people to a Village office, who is not at the time of his 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 (1) year thereafter.

State Law Reference: Sec. 62.09(2), Wis. Stats.

SEC. 2-3-12 OATHS OF OFFICE.

- (a) **Oath of Office.** Every officer of the Village, including members of Village boards and commissions, shall, before entering upon his duties and within five (5) days of his election or appointment or notice thereof, take the oath of office prescribed by law and file such oath in the office of the Village Clerk-Treasurer. Any person reelected or reappointed to the same office shall take and file an official oath for each term of service.
- (b) **Form, Procedure.** The form, filing and general procedure for the taking of oaths shall be governed by Ch. 19, Subchapter I, Wis. Stats.

State Law Reference: Ch. 19, Subch. I, Wis. Stats.

SEC. 2-3-13 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 duties until he returns or until such disability is removed.

State Law Reference: Sec. 61.23, Wis. Stats.

SEC. 2-3-14 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.

Annotation: 62 Atty. Gen. Op. 97.

SEC. 2-3-15 CUSTODY OF OFFICIAL PROPERTY.

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

State Law Reference: Sec. 19.21, Wis. Stats.

CHAPTER 4

Boards, Commissions and Committees

- 2-4-1 Board of Review
- 2-4-2 Zoning Board of Appeals
- 2-4-3 General Provisions Regarding Meetings and Public Notice
- 2-4-4 Residency Required for Service on Boards and Commissions;
Attendance Standards

SEC 2-4-1 BOARD OF REVIEW.

- (a) **Composition** The Board of Review of the Village of Nichols shall be composed of the Village President, the Village Clerk and all of the Village Trustees.
- (b) **Compensation** The members of the Board of Review shall receive compensation as determined by resolution of the Village Board.
- (c) **Duties.** The duties and functions of the Board of Review shall be as prescribed in Sections 70.46 and 70.47, Wis. Stats.
- (d) **Meetings.** In accordance with Sec. 70.47(3)b, Wis. Stats., the Village Board do hereby exercise their right to designate hours for the annual Board of Review proceedings other than those set forth in Sec. 70.47(3)a, and do hereby designate the hours of the annual Board of Review meeting to be 6:00 p.m. to 8 :00 p.m. Z.. The Board may adjourn from day to day or from time to time, until such time as its business is completed, providing that adequate notice of each adjournment is so given. Supp:
6/00
- (e) **Objections to Valuations to be Written.** No person shall be permitted to appear and make objection before the Board of Review of the Village of Nichols to the amount of valuation of any property unless objection thereto shall first have been made in writing and filed with the Clerk of the Board of Review.
- (f) **Confidentiality of Income and Expenses Provided to Assessor for Assessment Purposes.**
 - (1) **Adoption.** This ordinance sections adopts by reference Wis. Statutes Sec. 70.47 (7)(af). Income and expense information provided by a property owner to an assessor for the purposes of establishing the valuation for assessment purposes by the income method of valuation shall be confidential and not a public record open to inspection or copying under Sec. 19.35(1) of Wis. Statutes.
 - (2) **Exceptions.** An officer may make disclosure of such information under the following circumstances:
 - a. The assessor has access to such information in the performance of his/her duties;
 - b. The board of review may review such information when needed, in its opinion, to decide upon a contested assessment;
 - c. Another person or body has the right to review such information due to the intimate relationship to the duties of an office or as set by law;
 - d. The officer is complying with a court order;
 - e. The person providing the income and expense information has contested the assessment level at either the board of review or by filing a claim for excessive assessment under Sec. 74.37, in which case the base records are open and public.

- (3) **Severability.** Sections (f)(1)(2) of this ordinance are declared to be severable. If any section or portion thereof be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific portion or portion thereof directly specified in the decision, and shall not affect the validity of any other provisions, sections, or portions thereof of the ordinance. The remainder of the ordinance shall remain in full force and effect. Any other ordinances whose terms are in conflict with the provisions of this ordinance are hereby repealed as those terms that conflict.

Supp: 4/02

(g) **Alternate Board of Review Members.**

- (1) **Adoption.** Pursuant to Section 70,47(6m)(c) of Wis. Statutes, the village board hereby provides for the appointment of alternates to serve on the village board of review in the event a standing board member of the board of removed is removed or unable to serve for any reason.
- (2) **Appointments.** The following electors of the village of Nichols are hereby named as alternates in the order indicated *---ve as alternate board of review members:
Alternate 1: Kenneth Kahler
Alternate 2: Linda Hoes
Alternate 3: Sandra Scheller
- (3) **Effective Date.** The appointments made in this ordinance are for the Year 2004 and are effective upon posting as provided by law.

Supp: 5/02

Amend: 6/04

Amend: 12/04

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

SEC. 2-4-2 ZONING BOARD OF APPEALS.

- (a) **Establishment.** A Zoning Board of Appeals shall be appointed and governed by the State zoning enabling law as contained in Sec. 62.23, Wis. Stats., the Village Zoning Code and ordinances and this Section. The laws of the State or Village and local ordinances shall prevail in that order. The Zoning Board of Appeals shall consist of five (5) citizen members and two (2) alternate members, appointed by the Village President subject to confirmation by the Village Board, for a three (3) year term of office. The members shall be removable by the Village Board for cause upon written charges and upon public hearing. The Village President shall designate one of the members chairman.
- (b) **Powers.** The Zoning Board of Appeals shall have the following powers:
- (1) **To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative official in the enforcement of any Village Zoning Code or any ordinance adopted under Sections 62.23, 61.35 or 62.231 (wetlands), 87.30 or 144.26 (flood plains) or Chapter 91 (farmland preservation), Wis. Stats.**