

CHAPTER 2

Town Meetings

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SEC. 2-2-1 TOWN MEETING DEFINITIONS.

In this Code of Ordinances:

- (a) "Annual Town Meeting" means the Town meeting held under Sec. 60.11, Wis. Stats.
- (b) "Special Town Meeting" means a Town meeting, other than the annual Town meeting, held under Sec. 60.12, Wis. Stats.
- (c) "Town Meeting" means the annual Town meeting or a special Town meeting.

State Law Reference: Section 60.001, Wis. Stats.

SEC. 2-2-2 POWERS OF TOWN MEETING.

- (a) **Direct Powers.** Town Meeting may:
 - (1) Raise money. Raise money, including levying taxes, to pay for expenses of the Town, unless the authority has been delegated to the Town Board under Subsection (b)(1) below.
 - (2) Town offices and officers.
 - a. Fix the compensation of elective Town offices under Sec. 60.32, Wis. Stats., unless the authority has been delegated to the Town Board under Subsection (b)(10) below.
 - b. Combine the offices of Town Clerk and Town Treasurer under Sec. 60.305(1), Wis. Stats.
 - c. Combine the offices of Town Assessor and Town Clerk under Sec. 60.305(2), Wis. Stats.
 - d. Establish or abolish the office of Town Constable and establish the number of constables. Abolition of the office is effective at the end of the term of the person serving in the office.
 - e. Designate the office of Town Clerk, Town Treasurer or the combined office of Clerk and Treasurer as part time under Sec. 60.305(1)(b), Wis. Stats.
 - (3) Election of town officers.
 - a. Adopt a plan under Sec. 5.60(6), Wis. Stats., to elect Town Board Supervisors to numbered seats.
 - b. Provide under Sec. 8.05(3)(a), Wis. Stats., for the nomination of candidates for elective Town offices at a nonpartisan primary election.
 - (4) Public Waterways. Appropriate money for the improvement and maintenance of a public waterway under Sec. 81.05, Wis. Stats.

- (5) Cemeteries. Authorize the acquisition and conveyance of cemeteries under Sec. 157.50(1) and (3), Wis. Stats.
- (6) Administrator agreements. Approve agreements to employ an Administrator for more than three (3) years under Sec. 60.37(3)(d), Wis. Stats.
- (b) **Directives or Grants of Authority to Town Board.** Except as provided under Subsection (c), directives or grants of authority to the Town Board under this Subsection may be general and continuing or may be limited as to purpose, effect or duration. Resolutions adopted by a Town Meeting directing or authorizing the Town Board to exercise one of the optional powers of this Subsection shall include language that makes the intent of those attending the Town Meeting clear. A resolution adopted under this Subsection shall specify whether the directive or grant is general and continuing or whether it is limited as to purpose, effect or duration. A resolution that is continuing remains in effect until rescinded at a subsequent Town Meeting by a number of electors equal to or greater than the number of electors who voted for the original resolution. This Subsection does not limit any authority otherwise conferred on the Town Board by law. By resolution, the Town Meeting may:
 - (1) Raise money. Authorize the Town Board to raise money, including levying taxes, to pay for expenses of the Town.
 - (2) Membership of Town Board in populous towns. If the Town has a population of 2,500 or more, direct the Town Board to increase the membership of the Board under Sec. 60.21(2), Wis. Stats.
 - (3) Exercise of village powers. Authorize the Town Board to exercise powers of a Village Board under Sec. 60.22(3), Wis. Stats. A resolution adopted under this paragraph is general and continuing.
 - (4) General obligation bonds. Authorize the Town Board to issue general obligation bonds in the manner and for the purposes provided by law.
 - (5) Purchase of land. Authorize the Town Board to purchase any land within the Town for present or anticipated Town purposes.
 - (6) Town buildings. Authorize the Town Board to purchase, lease or construct buildings for the use of the Town, to combine for this purpose the Town's funds with those of a society or corporation doing business or located in the Town and to accept contributions of money, labor or space for this purpose.
 - (7) Disposal of property. Authorize the Town Board to dispose of Town property, real or personal, other than property donated to and required to be held by the Town for a special purpose.
 - (8) Watershed protection and soil and water conservation. Authorize the Town Board to engage in watershed protection, soil conservation or water conservation activities beneficial to the Town.
 - (9) Appointed assessors. Authorize the Town Board to select Assessors by appointment under Sec. 60.307(2), Wis. Stats.
 - (10) Compensation of elective Town offices. Authorize the Town Board to fix the compensation of elective Town offices under Sec. 60.32(1)(b), Wis. Stats.
- (c) **Authorization to Town Board to Appropriate Money.** The Town Meeting may authorize the Town Board to appropriate money in the next annual budget for:
 - (1) Conservation of natural resources. The conservation of natural resources by the Town or by a bona fide nonprofit organization under Sec. 60.23(6), Wis. Stats.
 - (2) Civic functions. Civic and other functions under Sec. 60.23(3), Wis. Stats.
 - (3) Insects, weeds and animal diseases. The control of insect pests, weeds or plant or animal diseases within the Town.

- (4) Rural numbering systems. Posting signs and otherwise cooperating with the county in establishment of a rural numbering system under Sec. 59.07(65), Wis. Stats.
- (5) Cemetery improvements. The improvement of a Town cemetery under Sec. 157.50(5), Wis. Stats.

State Law Reference: Section 60.10, Wis. Stats.

SEC. 2-2-3 ANNUAL TOWN MEETING.

- (a) **Requirement.** The Town of Burke shall hold an annual Town meeting as provided in this Section.
- (b) **When Held.**
 - (1) Except as provided in Subsection (b)(2) below, the annual Town meeting shall be held on the second (2nd) Tuesday of April.
 - (2) The annual Town meeting may set a date different than provided under Subsection (b)(a) above for the next annual Town meeting if the date is within ten (10) days after the second (2nd) Tuesday of April.
- (c) **Where Held.**
 - (1) The annual Town meeting may be held in the Town or in any village or city within or adjoining the Town of Burke.
 - (2) The annual Town meeting shall be held at the location of the last annual Town meeting unless the location is changed by the Town Board. If the Town Board changes the location, it shall publish a Class 2 notice under Ch. 985, Wis. Stats., stating the location of the meeting, not more than twenty (20) nor less than fifteen (15) days before the date of the meeting.
- (d) **Adjournment.** The annual Town meeting may be recessed to a time and date certain if the resumed meeting is held within thirty (30) days after the date of the meeting originally scheduled under Subsection (b). Business not acted on at the annual meeting, or within the thirty (30) days allowed for adjourning and reconvening the meeting, shall be left to the next annual meeting or taken up by a special Town meeting convened under Sec. 60.12, Wis. Stats.
- (e) **Notice.** No public notice of the annual Town meeting is required if held as provided under Subsection (b)(1). If held as provided under Subsection (b)(1), notice of the time and date of the meeting shall be given under Sec. 60.12(3), Wis. Stats.
- (f) **Jurisdiction.** The annual Town meeting may transact any business over which the Town meeting has jurisdiction.
- (g) **Poll List.** The annual Town meeting may require the Clerk of the Town meeting to keep a poll list with the name and address of every elector voting at the meeting.

State Law Reference: Section 60.11, Wis. Stats.

SEC. 2-2-4 SPECIAL TOWN MEETINGS.

- (a) **Who May Convene.** A special Town meeting may be convened if:
 - (1) Called by a Town meeting.
 - (2) A written request, signed by a number of electors equal to not less than ten percent (10%) of the votes cast in the Town for Governor at the last general election is filed with the Town Clerk.
 - (3) Called by the Town Board.

- (b) **Time, Date and Purpose to be Stated.** If a special Town meeting is requested or called under Subsection (a), the time, date and purpose of the meeting shall be stated in the request or as part of the call.
- (c) **Notice.** The Town Clerk shall, not more than twenty (20) nor less than fifteen (15) days before the date of a special Town meeting, publish a Class 2 notice of the meeting under Ch. 985, Wis. Stats. The notice shall state the purpose, date, time and location of the meeting. If notice is posted instead of published, the same time and content requirements apply.
- (d) **Location.**
 - (1) A special Town meeting may be held in the Town or in any village or city within or adjoining the Town.
 - (2) A special Town meeting shall be held where the preceding annual town meeting was held, unless the location is changed by the Town Board.
- (e) **Adjournment.** A special Town meeting may be recessed to a time and date certain if the resumed meeting is held within thirty (30) days after the date of the originally scheduled meeting.
- (f) **Jurisdiction.** Any business which may be transacted at an annual Town meeting may be transacted at a special Town meeting.

State Law Reference: Section 60.12, Wis. Stats.

SEC. 2-2-5 PRESIDING OFFICER AT TOWN MEETINGS.

- (a) **Who Presides.**
 - (1) If present, the Town Board Chairperson shall chair the Town meeting, as defined in Sec. 2-1-1. If the Town Board Chairperson is absent, another Town Board Supervisor shall chair the Town meeting. If no Town Board Supervisor is present, the Town meeting shall elect the chairperson of the meeting.
 - (2) If the annual Town meeting is held in a year when the office of Town Board Chairperson is filled by election, the person holding the office on the day prior to the date of the election to fill the office shall preside at the annual Town meeting and is entitled to receive the per diem which is ordinarily paid to the presiding officer. If such person is absent or refuses to serve as the presiding officer, the presiding officer shall be chosen under Subsection (a)(1) above.
- (b) **Duties.** The Town meeting chairperson shall conduct the meeting's proceedings in accordance with accepted parliamentary procedure.
- (c) **Enforcement Authority.** The Town meeting chairperson shall maintain order and decorum and may order any person to leave a Town meeting if the person has conducted himself or herself in a disorderly manner and persisted in such conduct after being directed by the chairperson to cease the conduct. If the person refuses the chairperson's order to withdraw, the Town meeting chairperson may order a constable or other law enforcement officer to take the person into custody until the meeting is adjourned.

State Law Reference: Section 60.13, Wis. Stats.

SEC. 2-2-6 PROCEDURE AT ALL TOWN MEETINGS.

- (a) **Qualified Voters.** Any qualified elector of the Town, as defined under Ch. 6, Wis. Stats., may vote at a Town meeting.

- (b) **Definition.** A qualified elector, as defined under Ch. 6, Wis. Stats., means an individual who is a U.S. citizen, eighteen (18) years of age or older, and who has been a resident of the Town for at least ten (10) days on the date a Town meeting is held.
- (c) **Method of Action; Necessary Votes.** All actions of a Town meeting shall be by vote. All questions shall be decided by a majority of the electors voting.
- (d) **Order of Business.** At the beginning of the Town meeting, the Town meeting chairperson shall state the business to be transacted and the order in which the business will be considered. No proposal to levy a tax, except a tax for defraying necessary Town expenses, may be acted on out of the order stated by the Town meeting chairperson.
- (e) **Reconsideration of Actions.**
 - (1) No reconsideration of any vote shall be had at any Town meeting unless it be taken by a majority vote within one (1) hour from the time such vote shall have been passed, or if taken later than one (1) hour, unless it be sustained by a number of votes equal to a majority of all the names entered on the poll list at such election up to the time the motion therefor shall be made. All other questions upon motions at a Town meeting shall be determined by a majority of the electors voting.
 - (2) No action of a Town meeting may be reconsidered at a subsequent Town meeting held prior to the next annual Town meeting unless a special Town meeting is convened under Sec. 60.12(1)(b) or (c), Wis. Stats., and the written request or the call for the meeting states that a purpose of the meeting is reconsideration of the action.

State Law Reference: Section 60.14, Wis. Stats.

SEC. 2-2-7 CLERK OF TOWN MEETINGS.

The Town Clerk shall serve as clerk of the Town meeting. If the Town Clerk is absent, the Deputy Town Clerk, if the Town has one, shall serve as town meeting clerk. If the Deputy Clerk is absent, the Town meeting chairperson shall appoint a clerk of the meeting. The Clerk of the Town meeting shall keep a poll list if required by the annual Town meeting under Sec. 60.11(7), Wis. Stats. The Town meeting minutes shall be signed by the Clerk of the Town meeting and filed in the Office of the Town Clerk within five (5) days after the meeting.

State Law Reference: Section 60.15, Wis. Stats.