

## CHAPTER 3

### Town Board

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#### SEC. 2-3-1 TOWN BOARD; ELECTIONS TO.

- (a) **Membership.** The Burke Town Board shall consist of the Town Chairperson and four (4) Supervisors.
- (b) **Election.**
  - (1) **Authority.** The annual meeting of the Town of Burke held on April 12, 1988, authorized the increased number of supervisors on the Town Board of the Town of Burke to five (5) members.
  - (2) **Membership.** Pursuant to Sec. 60.21(1), Wis. Stats., membership on the Town Board of the Town of Burke is increased to five (5) to be elected as follows:
    - a. Three (3) supervisors to be elected in odd-numbered years; and
    - b. Two (2) supervisors to be elected in even-numbered years.
  - (3) **Effective Date.** Said five (5) member Town Board will become effective with the Spring Election in 1990.

State Law Reference: Section 60.20, Wis. Stats.

#### SEC. 2-3-2 GENERAL POWERS AND DUTIES OF THE TOWN BOARD.

- (a) **Charge of Town Affairs.** The Town Board shall have charge of all affairs of the Town not committed by law to another body or officer or to Town employee(s).
- (b) **Charge of Actions.** The Town Board has charge of any action or legal proceeding to which the Town is a party.

- (c) **Village Powers.** As authorized under Sec. 60.10(2)(c), Wis. Stats., and Sec. 2-1-2 of this Code, the Town Board shall exercise powers relating to villages and conferred on village boards under Ch. 61, Wis. Stats., except those powers which conflict with statutes relating to towns and town boards.
- (d) **Jurisdiction of Constable.** Pursuant to the Wisconsin Statutes, the Town Board shall determine the jurisdiction and duties of the Town Constable.
- (e) **Pursue Certain Claims of Town.** The Town Board shall demand payment of penalties and forfeitures recoverable by the Town and damages incurred by the Town due to breach of official bond, injury to property or other injury. If, following demand, payment is not made, the Board shall pursue appropriate legal action to recover the penalty, forfeiture or damages.

State Law Reference: Sections 60.10(2)(c) and 60.22, Wis. Stats.

### SEC. 2-3-3 MISCELLANEOUS POWERS OF THE TOWN BOARD.

The Town Board may:

- (a) **Joint Participation.** Cooperate with the state, counties and other units of government under Sec. 66.30, Wis. Stats., including cooperative arrangements involving the acquisition, development, remodeling, construction, equipping, operation and maintenance of land, buildings and facilities for regional projects, whether or not located in the Town.
- (b) **Utility Districts.** Establish utility districts under Sec. 66.072, Wis. Stats., and provide that any convenience or public improvement in the district be paid for under that Section. A utility district may be used when special services such as street lighting, sidewalks, sewers, water systems, etc., are to be installed in a particular area of the Town only.
- (c) **Appropriations for Civic and Other Functions.** If authorized under Sec. 60.10(3)(b), Wis. Stats., appropriate reasonable amounts of money for gifts or donations to be used to:
  - (1) Further civic functions and agricultural societies.
  - (2) Advertise the attractions, advantages and natural resources of the Town.
  - (3) Attract industry.
  - (4) Establish industrial complexes.
  - (5) Establish, maintain and repair ecological areas.
  - (6) Provide for the organization, equipment and maintenance of a municipal band or for the employment of other bands to give concerts and municipal entertainment in the Town.
- (d) **Town Industrial Development Agency.** In order to promote and develop the resources of the Town, appropriate money for and create a Town industrial development agency or appoint an executive officer and provide staff and facilities for a nonprofit organization organized to act under this Subsection. A Town industrial development agency created under this Subsection and Sec. 60.23(4), Wis. Stats., may:
  - (1) Develop data regarding the industrial needs of, advantages of and sites in the Town.
  - (2) Engage in promotional activities to acquaint prospective purchasers with industrial products manufactured in the Town.
  - (3) Coordinate its activities with the Regional Planning Commission, the Wisconsin Department of Development and private credit development organizations.
  - (4) Engage in any other activity necessary for the continued improvement of the Town's industrial climate.

- (e) **Cooperation in County Planning.** Cooperate with the county in rural planning under Secs. 27.015, 59.07(65) and 59.97, Wis. Stats.
- (f) **Conservation of Natural Resources.** If authorized by the Town meeting under Sec. 60.10(3)(a), Wis. Stats., appropriate money for the conservation of natural resources or for payment to a bona fide nonprofit organization for the conservation of natural resources within the Town or beneficial to the Town. No payment may be made to a nonprofit organization unless the organization submits and the Town Board approves a detailed plan of the work to be done. The plan shall include the name of the owner of any property on which work is to be performed.
- (g) **Obstructions in Non-navigable Waters.** Remove, at the expense of the Town, any obstruction located in the Town which prevents the natural flow of water in a non-navigable stream. One or more Supervisors, or a designee of the Board, may enter upon any land if necessary to remove the obstruction.
- (h) **Emergency Pest and Disease Control.** Appropriate money for the control of insects, weeds or plant or animal diseases if:
  - (1) An emergency arises within the Town due to insects, weeds or plant or animal diseases; and
  - (2) The Board determines that any delay resulting from calling a special Town meeting to authorize the Town Board to appropriate money for this purpose under Sec. 60.10(3)(c), Wis. Stats., would result in serious harm to the general welfare of the Town.
- (i) **Bowling Alleys, Pool Tables and Amusement Devices.** Regulate, including the licensing of, bowling alleys, billiard and pool tables and other amusement devices maintained in commercial facilities. If a license is required, the Board shall establish the term of the license, not to exceed one (1) year, and the license fee. The Board may suspend or revoke, for cause, a license issued under this Subsection. Any person violating a regulation adopted under this Subsection shall forfeit to the Town an amount established by the Town Board.
- (j) **Reimbursement of School Districts for Providing Transportation in Hazardous Areas.** Reimburse a school district for costs incurred by the district under Sec. 121.54(9), Wis. Stats., in transporting pupils who reside in the Town.
- (k) **Exchange Tax Credit for County Land.** Authorize the Town Treasurer to exchange any credit the Town has with the county, arising from delinquent real estate taxes, for county-owned lands.
- (l) **Associations of Towns.** Appropriate money to purchase membership in any association of town boards, town officials or town government for the protection of Town interests and improvement of Town government.
- (m) **Vacation of Alleys.** Vacate any alley in the Town under Sec. 66.296, Wis. Stats. The Town Board may not vacate, under this Subsection, an alley adjacent to land fronting a state or county trunk highway.
- (n) **Cemeteries.** Provide for cemeteries under Ch. 157, Wis. Stats.
- (o) **Change Street Names.** Name, or change the name of, any street in the Town under Sec. 81.01(11), Wis. Stats.
- (p) **Use of Firearms.** Regulate the careless use of firearms and impose forfeitures for violation of the regulations.
- (q) **Fences in Subdivisions.** Require a subdivider to construct a fence under Sec. 90.02, Wis. Stats., on the boundary of a subdivision, as defined under Sec. 236.02(8), Wis. Stats., as a condition of plat approval by the Town. The fence shall be maintained under Sec. 90.05(2), Wis. Stats., and repaired under Secs. 90.10 and 90.11.
- (r) **Disposition of Dead Animals.** Notwithstanding Sections 59.07(84) and 95.50(3), Wis. Stats., dispose of any dead animal within the Town or contract for the removal and disposition with any private disposal facility. The Town may enter

into a contract with any other governmental unit under Sec. 66.30 to provide for the removal and disposition. The Town may recover its costs under this Subsection by levying a special assessment under Sec. 66.345, Wis. Stats.

State Law Reference: Section 60.23, Wis. Stats.

#### SEC. 2-3-4 POWERS AND DUTIES OF TOWN BOARD CHAIRPERSON.

- (a) **General Powers and Duties.** The Town Board Chairperson shall:
- (1) Preside at Board meetings. Preside over meetings of the Town Board.
  - (2) Preside at Town meetings. Preside over Town meetings as provided under Sec. 60.13, Wis. Stats., and Sec. 2-2-5 of this Code.
  - (3) Sign documents.
    - a. Sign all ordinances, resolutions, bylaws, orders, regulations, commissions, licenses and permits adopted or authorized by the Town Board unless the Town Board, by ordinance, authorizes another officer to sign specific types of documents in lieu of the Chairperson. The Board, by ordinance, may authorize use of a facsimile signature. *added to 5/5/2010*
    - b. Sign all drafts, order checks and transfer orders as provided under Sec. 66.042, Wis. Stats.
  - (4) Assure administration of Statutes. Supervise the administration of the Wisconsin Statutes relating to the Town and Town operations to see that they are faithfully executed.
  - (5) Act on behalf of Board. Act, on behalf of the Town Board, to:
    - a. See that Town orders and Ordinances are obeyed.
    - b. See that peace and order are maintained in the Town.
    - c. Obtain necessary assistance, if available, in case of emergency, except as provided under Ch. 166, Wis. Stats.
  - (6) Act on authorization of Board. If authorized by the Town Board, act on behalf of the Board to:
    - a. Direct, as appropriate, the solicitation of bids and quotations for the Town's purchase of equipment, materials and services and submit the bids and quotations to the Town Board for approval. Although the Town Board may direct the Chairperson to solicit bids and quotations, the final decision as to which bid to accept or the decision to enter into a contract shall be made by the entire Board.
    - b. Represent, or designate another officer to represent, the Town at meetings of, and hearings before, governmental bodies on matters affecting the Town.
- (b) **Administer Oaths.** The Chairperson may administer oaths and affidavits on all matters pertaining to the affairs of the Town.
- (c) **Other Responsibilities.** In addition to the powers and duties under this Section, the Chairperson has the following responsibilities:
- (1) Nominate election officials when the Town Board disapproves the nominee of a party committee under Sec. 7.30(4)(b)2, Wis. Stats.
  - (2) Serve as caucus official under Sec. 8.05(1)(c), Wis. Stats.
  - (3) Sue on official bonds under Sec. 19.015, Wis. Stats.
  - (4) Execute and sign a certificate of indebtedness in connection with obtaining a state trust fund loan under Sec. 24.67, Wis. Stats.
  - (5) Serve as Town fire warden under Secs. 26.13 and 26.14, Wis. Stats.
  - (6) Appoint members of library boards under Secs. 43.54(1)(a) and 43.60(3), Wis. Stats.

- (7) Exercise the powers and duties specified for a mayor under Sec. 62.13, Wis. Stats., if the Town creates a joint board of police and fire commissioners or joint police or fire department with a village under Sec. 61.65(3g)(d)2, Wis. Stats., or a board of police and fire commissioners under Sec. 60.57, Wis. Stats.
- (8) Provide an annual estimate of funds necessary for any utility district established under Sec. 66.072(2), Wis. Stats.
- (9) Publish annually a notice regarding noxious weeds and appoint one (1) or more commissioners of noxious weeds under Secs. 66.96 to 66.99, Wis. Stats.
- (10) Sign general obligation bonds issued by the Town under Sec. 67.08(1), Wis. Stats.
- (11) If authorized by the Town Board, represent the interests of the Town in connection with appearances before the State Tax Appeals Commission under Sec. 70.64(5), Wis. Stats.
- (12) Approve the bond of the Town Treasurer delivered to the County Treasurer under Sec. 70.67(1), Wis. Stats.
- (13) Perform duties in connection with selection of jurors in actions relating to the taking of property to provide access to a cemetery, fairground or land used for industrial expositions under Sec. 80.48(3) and (4), Wis. Stats.
- (14) Sign orders for payment of work performed and materials furnished on Town highways under Sec. 81.04, Wis. Stats.
- (15) See that all tunnels in the Town are constructed under Sec. 81.35, Wis. Stats., and that they are kept in good repair.
- (16) If applicable, serve as a member of the County Highway Committee under Sec. 83.015(1)(d), Wis. Stats.
- (17) If applicable, close county trunk highways when rendered dangerous for travel and notify the Highway Commissioner under Sec. 80.09, Wis. Stats.
- (18) If applicable, appoint members to Airport commissions under Sec. 114.14(2), Wis. Stats.
- (19) If applicable, vote or designate another Supervisor to vote on whether to abolish a city school district and create a common school district or a unified school district containing the territory of a city school when an order for school district reorganization has been issued under Sec. 120.50, Wis. Stats.
- (20) Perform the Town Chairperson's duties related to jewelry auction sales under Sec. 130.07, Wis. Stats.
- (21) Under Sec. 167.10, Wis. Stats., enforce regulation of fireworks.
- (22) Perform the Town Chairperson's duties related to stray animals and lost goods under Ch. 170, Wis. Stats.
- (23) Perform the Town Chairperson's duties related to distrained animals under Ch. 172, Wis. Stats.
- (24) Perform the Town Chairperson's duties related to animals that have caused damage in the Town under Ch. 173, Wis. Stats.
- (25) If applicable, perform the Town Chairperson's duties related to municipal power and water districts under Ch. 198, Wis. Stats.
- (26) If applicable, cause actions to be commenced for recover of forfeitures for violations of Town Ordinances that can be recovered in municipal court under Sec. 778.11, Wis. Stats.
- (27) If applicable, notify the district attorney of forfeitures which may not be recovered in municipal court under Sec. 778.12, Wis. Stats.
- (28) Approve bonds furnished by contractors for public works under Sec. 779.14(1), Wis. Stats.

State Law Reference: Section 60.24, Wis. Stats.

**SEC. 2-3-5 INTERNAL POWERS OF THE BOARD.**

The Town Board has power to preserve order at its meetings, compel attendance of Supervisors and punish nonattendance.

**SEC. 2-3-6 MEETINGS OF THE TOWN BOARD.**

Regular meetings of the Burke Town Board shall be as scheduled and noticed by the Town Board. All meetings of the Board shall be held at the Town Hall of the Town of Burke unless specified otherwise in the minutes of the preceding meeting or by written notice posted at the regular meeting place at least three (3) hours prior to any meeting. A majority of Supervisors must consent to any change in the place of any meeting of the Board.

**SEC. 2-3-7 SPECIAL MEETINGS OF THE BOARD.**

Special meetings may be called by the Chairperson or by the two (2) Supervisors by notifying the Clerk no less than twenty-four (24) hours prior to the specified time of the meeting. The Clerk shall immediately notify all Supervisors of the time and place of the meeting and shall cause public notice to be posted in at least three (3) public places likely to give notice to persons affected no less than six (6) hours prior to the time specified for the meeting.

**SEC. 2-3-8 OPEN MEETINGS.**

All Town Board and official Town committee and commission meetings shall be open to the public and be in compliance with Wisconsin's Open Meeting Law.

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

**SEC. 2-3-9 QUORUM.**

A majority of the Supervisors shall constitute a quorum, but a lesser number may adjourn if a majority is not present.

**SEC. 2-3-10 PRESIDING OFFICER.**

The Chairperson shall preside at all meetings of the Town Board when present. In his absence, the Town Board may select another Supervisor to preside and, in such case, the Clerk shall call the meeting to order and preside until the Town Board selects a Supervisor to preside.

**SEC. 2-3-11 ORDER OF BUSINESS.**

- (a) **Order of Business.** At all meetings, the following order may be observed in conducting the business of the Town Board:
- (1) Call to Order by presiding officer;
  - (2) Roll call;

- (3) Reading and correcting the financial report and the minutes of the last preceding meeting or meetings;
  - (4) Reports from officials of the Town;
  - (5) Reports from committees;
  - (6) Unfinished business remaining from preceding sessions in the order in which it was introduced;
  - (7) New business; ordinances and resolutions may be introduced and considered;
  - (8) Business as may be presented by the Chairperson and Supervisors;
  - (9) Presentation of petitions, memorials, remonstrances, and communications;
  - (10) Miscellaneous;
  - (11) Adjournment.
- (b) **Agenda Preparation.**
- (1) The Town Clerk shall prepare an agenda incorporating the matters comprising the order of business; and
  - (2) There be included on said agenda a time for hearing citizens wishing to address the Board; and
  - (3) No matter requiring research, investigation or decision shall be placed on the agenda of the Town Board unless a request to do so is made to the Town Clerk at least two (2) days prior to the meeting, nor shall the agenda be amended to include said matter, either prior to ordering the meeting, except when the members of the Board unanimously agree to the agenda addition.
- (c) **Order to be Followed; Citizen Comments.** No business shall be taken up out of order unless by unanimous consent of all Supervisors and in the absence of any debate whatsoever. The Chairperson or presiding officer may impose a time limit on the length of time citizens may address the Board.
- (d) **Roll Call; Procedure When Quorum Not in Attendance.** As soon as the Board shall be called to order, the Clerk shall proceed to call the names of the members of alphabetical order, noting who are present and who are absent and record the same in the proceedings of the Board. If it shall appear that there is not a quorum present, the fact shall be entered on the journal and the Board may adjourn.

#### SEC. 2-3-12 INTRODUCTION OF BUSINESS, RESOLUTIONS AND ORDINANCES; DISPOSITION OF COMMUNICATIONS.

- (a) **Ordinances to be in Writing.** All ordinances submitted to the Board shall be in writing and shall include at the outset a brief statement of the subject matter and a title. All written material introduced shall be read and then discussed and acted upon as the Board deems appropriate.
- (b) **Subject and Numbering of Ordinances.** Each Ordinance shall be related to no more than one (1) subject. Amendment or repeal of Ordinances shall only be accomplished if the amending or repealing Ordinance contains the number and title of the Ordinance to be amended or repealed, and title of amending and repealing Ordinances shall reflect their purpose to amend or repeal.
- (c) **Notice.**
  - (1) The Town Board may take action on an Ordinance only if it appears on the written agenda for meeting at which action is requested in order to provide proper legal notice.
  - (2) Ordinances will be placed on the agenda for Board action only if they are submitted to the Town Clerk in written form a minimum of two (2) days prior to the meeting at which action is requested.

- (d) **Disposition of Petitions, Communication, Etc.** Every petition or other writing of any kind, addressed to the Board, Clerk or other Town officer for reference to the Town Board, shall be delivered by the Clerk or such other Town officer to the Chairperson or to the presiding officer of the Board as soon as convenient after receipt of same and, in any event, prior to or at the opening of the next meeting of the Board following the receipt of same.

**SEC. 2-3-13 CONDUCT OF DELIBERATIONS.**

- (a) A roll call shall not be necessary on any questions or motions except as follows:
- (1) When the ayes and noes are requested by any member.
  - (2) On confirmation and on the adoption of any measure assessing or levying taxes, appropriations or disbursing money, or creating any liability or charge against the Town or any fund thereof.
  - (3) When requested by the State Statutes of Wisconsin.
- (b) All aye and nay votes shall be recorded in the official minutes.
- (c) Except as provided below, the Town Board shall, in all other respects, determine the rules of its procedure, which shall be governed by Robert's Rules of Order (Revised), which is hereby incorporated by reference, unless otherwise provided by Ordinance or Statute, except when otherwise limited or modified by this Code of Ordinances:
- (1) No Supervisor shall address the Board until he has been recognized by the presiding officer. He shall thereupon address himself to the chairman and confine his remarks to the question under discussion and avoid all personalities.
  - (2) When two (2) or more members simultaneously seek recognition, the presiding officer shall name the member who is to speak first.
  - (3) No person other than a member shall address the Board except under order of business, except that citizens may address the Board with the permission of the presiding officer as to matters which are being considered by the Board at the time.
  - (4) No motion shall be discussed or acted upon unless and until it has been seconded. No motion shall be withdrawn or amended without the consent of the person making the same and the person seconding it.

**SEC. 2-3-14 PROCEDURE AT PUBLIC HEARINGS.**

- (a) The Chairperson shall then call on those persons who wish to speak for the proposition. Each person wishing to speak for the proposition shall give his or her name and address.
- (b) Each person speaking on behalf of the proposition shall be limited in time of five (5) minutes.
- (c) The Chairperson shall then call on those persons who wish to oppose the proposition.
- (d) Each such person wish to speak in opposition to the proposition shall give his or her name and address and shall also be limited to five (5) minutes.
- (e) Any person wishing to speak in rebuttal to any statements made may, with the permission of the Chairperson, do so, provided, however, such rebuttal statement shall be limited to three (3) minutes by any one (1) individual.
- (f) When the Chairperson in his discretion is satisfied that the proposition has been heard, he shall announce the fact that the hearing is concluded.



**SEC. 2-3-15 RECONSIDERATION OF QUESTIONS.**

It shall be in order for any member if, in the majority, to move for the reconsideration of any vote in question at the same meeting or at the next succeeding regular adjourned meeting. A motion to reconsider being put and lost shall not be renewed.

**SEC. 2-3-16 CALL FOR THE PREVIOUS QUESTION.**

Any member desirous of terminating the debate may call the previous question when the question announced by the Chairperson shall be "shall the main question be put?" If a majority of the members present vote in the affirmative, the main question shall be put to a vote without further debate, and its effect shall be to put an end to all debate and bring the Board to a direct vote, first upon the pending amendment and then upon the main question.

**SEC. 2-3-17 PUBLICATION OR POSTING OF ORDINANCES AND RESOLUTIONS.**

- (a) **General Requirement.** The Town Clerk shall publish as a Class 1 notice under Ch. 985, Wis. Stats., or post in at least three (3) places in the Town likely to give notice to the public, the following, within thirty (30) days after passage or adoption:
  - (1) Resolutions, motions and other actions adopted by the Town meeting, or in the exercise of powers, under Sec. 60.10, Wis. Stats.
  - (2) Ordinances adopted by the Town Board.
  - (3) Resolutions of general application adopted by the Town Board and having the effect of law.
- (b) **Requirement for Forfeitures.** If an Ordinance imposes a forfeiture, posting may not be used in lieu of publication under Subsection (a).
- (c) **Effective Upon Publication.** An Ordinance, resolution, motion or other action required to be published or posted under this Section shall take effect the day after its publication or posting, or at a later date if expressly provided in the Ordinance, resolution, motion or action.
- (d) **Affidavit of Posting.** If an Ordinance, resolution, motion or other action is posted under this Section, the Town Clerk shall sign an affidavit attesting that the item was posted as required by this Section and stating the date and place of posting. The affidavit shall be filed with other records under the jurisdiction of the Clerk.

State Law Reference: Section 60.80, Wis. Stats.

**SEC. 2-3-18 AMENDMENT OF RULES.**

The rules of this Chapter shall not be rescinded or amended unless the proposed amendment or motion to rescind has laid over from a regular meeting, and then it shall require a vote of two-third (2/3) of all the members of the Board.

**SEC. 2-3-19 SUSPENSION OF RULES.**

Any of the provisions of Sections 2-3-13 through 2-3-16, inclusive, of this Code may be suspended temporarily by a majority of the Board members present at any meeting.