

## CHAPTER 2 OFFICIALS, BOARDS, COMMISSIONS, AND EMPLOYEES

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### 2.01 Advisory Committee (Resolution)

(1) BE IT RESOLVED by the Town Board of the Town of Sheboygan Falls, Sheboygan County, Wisconsin, that there is created a public advisory committee.

(2) IT IS FURTHER RESOLVED that said committee shall be of five (5) resident citizens of the Town of Sheboygan Falls, one (1) member shall be appointed by the Town Board each year and shall hold his position on said committee for a term of five (5) years.

(3) IT IS FURTHER RESOLVED that the duties of said committee shall be to study, investigate, assign sub-committees to study and investigate, recommend and advise the Town Board on matters of town operation and business, more particularly, but not exclusively concerning zoning, departmental structure, salaries, health, police protection and safety matters.

(4) IT IS FURTHER RESOLVED that the duties herein granted are merely advisory and the committee has no power to pass ordinances, orders or to spend money; all expenditures of money, if any, shall be agreed upon in writing by the Town Board before contracting such expenditures.

(5) IT IS FURTHER RESOLVED that any member appointed to said committee may be removed before expiration of his term upon unanimous vote of the Board.

### 2.02 Jurisdiction and Duties of Town Constable

(1) Statutory Authority. Pursuant to Sec. 60.22(4) and Sec 60.35 of the 1983 Wisconsin Act 532, the Town Board Supervisors of the Town of Sheboygan Falls, Sheboygan County hereby establishes the jurisdiction and duties of the town constable of the Town of Sheboygan Falls Sheboygan County, as described herein.

(2) Jurisdiction and Duties. The town constable or constables, as the may be shall:

(a) Cause to be enforced and prosecuted all violations of the Town ordinances of the Town of Sheboygan Falls, Sheboygan County, of which he has knowledge or information.

1) Including, but not limited to, dog ordinances and nuisance ordinances.

(b) To act on behalf of the Town Board as directed to:

1) See that Town Orders and Ordinances are obeyed.

2) See that peace and order are maintained in the Town.

3) Obtain necessary assistance, if available in case of emergency, except as provided under Chapter 166 of Wisconsin Statutes for emergency government.

(3) Non-Exclusivity.

(a) Other ordinance. Adoption of this ordinance does not preclude Town Board from adopting any other ordinance or providing for the enforcement of any other law or ordinance relating to the same matter.

(b) Other remedies. The jurisdiction and duties of the town constable as stated herein shall not preclude the Town Board or any other town officer from proceeding under any ordinance or law by any other enforcement method to enforce any ordinance, regulation, or order.

(4) Severability. If any provision of this ordinance is invalid or unconstitutional or if application of this ordinance to any person or circumstance is invalid or unconstitutional, such invalidity or unconstitutionality shall not effect the provisions or application of this ordinance which can be given effect without the invalid or unconstitutional provision or application.

(5) Effective Date. This ordinance shall take effect January 1, 1985.

### 2.03 Citation Method of Enforcement <sup>1</sup>

**(1.) Method of Enforcement** All Town officials and personnel charged with the responsibility of enforcing Town Ordinances are hereby authorized pursuant to Wis. Stat. § 66.0113, as amended, to issue citations for violations of Town ordinances, including ordinances for which a statutory counterpart exists.

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<sup>1</sup> Section 2.03 (Citation Method Enforcement) created September 10,2018 by Ordinance #3 2018/2019

## **(2.) Information Contained in Citation**

The citation shall contain the following items:

- a. The name and address of the alleged violator.
- b. Factual allegations describing the alleged violation.
- c. The time and place of the offense.
- d. The Ordinance or State Statute violated.
- e. A designation of the offense in such manner as can readily be understood by a person making a reasonable effort to do so.
- f. The time at which the alleged violator may appear in Court.
- g. A statement which, in essence, informs the alleged violator:
  - (1) That a cash deposit based on the schedule established by this Ordinance may be made which shall be delivered or mailed to the Town Clerk prior to the time of the scheduled Court appearance;
  - (2) That, if a deposit is made, no appearance in Court is necessary unless he or she is subsequently summoned;
  - (3) That, if a cash deposit is made and the alleged violator does not appear in Court, he will be deemed to have entered a plea of no contest, or, if the Court does not accept the plea of no contest, a summons will be issued commanding him or her to appear in Court to answer the complaint;
  - (4) That, if no cash deposit is made and the alleged violator does not appear in Court at the time specified, an action may be commenced to collect the forfeiture.
  - (5) That if the Court finds that the violation involves an ordinance that prohibits conduct that is the same as or similar to conduct prohibited by state statute punishable by fine or imprisonment or both, and that the violation resulted in damage to the property of or physical injury to a person other than the alleged violator, the Court may summon the alleged violator into Court to determine if restitution shall be ordered under Wis. Stat. § 800.093.
- h. A direction that, if the alleged violator elects to make a cash deposit, a statement which accompanies the citation shall be signed to indicate that the statement required under G. above has been read. Such statement shall be sent or brought with the cash deposit.
- i. Such other information as the Town Board deems necessary.

**(3.) Form of Citation** The form of the citation to be issued by Town officials and personnel, or other designated persons shall be adopted by resolution of the Town Board and such form is incorporated by reference. The Town Board reserves the right to modify the citation form as needed.

**(4.) Schedule of Deposits**

The following schedule of cash deposits is established for use with citations issued under this Ordinance.

ORDINANCE TITLE	OFFENSE	DEPOSITS AND COSTS
3.08(7)	Violation	\$250.00 plus court costs
3.09 (2)	Violation	\$250.00 plus court costs
4.02 (14)	Violation	\$250.00 plus court costs
4.03 (10)	Violation	\$250.00 plus court costs
4.04 (8)	Violation	\$250.00 plus court costs
4.05 (4)	Violation	\$250.00 plus court costs
5.01 (6)	Violation	\$250.00 plus court costs
5.02 (3)	Violation	\$25.00 plus court costs
5.03 (13) (a)	Violation	\$25.00 plus court costs
5.03 (14)	Violation	\$250.00 plus court costs
5.04 (5)	Violation	\$250.00 plus court costs
5.05 (3) (5)	Violation	\$250.00 plus court costs
6.01 (5)	Violation	\$250.00 plus court costs
6.02 (18)(3)(a)	1 <sup>st</sup> Violation	\$250.00 plus court costs
6.02 (18)(3)(a)	2 <sup>nd</sup> Violation	\$350.00 plus court costs
6.02 (18)(3)(a)	3 <sup>rd</sup> and subsequent violations	\$350.00 plus court costs
6.02 (18)(3)(b)	Violation, other than 6.02 (18)	\$250.00 plus court costs
7.20	Violation	\$250.00 plus court costs
9.01(4)	Violation	\$250.00 plus court costs
9.07	Violation	\$250.00 plus court costs
10.05	Violation	\$250.00 plus court costs
10.08 (7)	Violation	\$250.00 plus court costs
11.04 (1) (a)	1 <sup>st</sup> Violation	\$250.00 plus court costs
11.04 (1) (b)	2 <sup>nd</sup> Violation	\$250.00 plus court costs
13.10	Violation	\$150.00 plus court costs
14.1 ( snowmobiles)	1 <sup>st</sup> Violation	\$250.00 plus court costs
	2 <sup>nd</sup> and subsequent violations	\$250.00 plus court costs
14.11 (subdivisions)	Violation	\$250.00 plus court costs
15.06 (1)	Violation	\$250.00 plus court costs

Deposits shall be made in cash, money order or certified check to the Clerk of Circuit Court for Sheboygan County who shall provide a receipt therefor.

## **(5.) Issuance of Citation**

Citations may be issued by any of the following persons:

- a. Any Town Board member or Town Constable;
- b. The Town Attorney;
- c. Any Sheboygan County law enforcement officer, with respect to any ordinance that authorizes enforcement by the Sheboygan County Sheriff's Department.

The Town Board may delegate its authority to issue citations to its subordinates, provided such delegation is authorized by resolution by the Town Board.

## **2.04 Offices Combined - Town Clerk / Treasurer<sup>2</sup>**

(1) Offices Combined. The offices of town clerk and town treasurer have been combined into the of the Town Clerk / Treasurer, pursuant to Wis. Stat. 60.305(1)(a).

(2) Appointment, Compensation, Term of Office, and Removal. The Clerk/Treasurer shall be appointed on the basis of merit with due regard to training, experience, administrative ability and general fitness for the office, by majority vote of the Town Board. The level of compensation shall be set by the Town Board, but shall not be reduced during the term of which the individual is appointed. The person shall hold office for a term of two (2) years, expiring on April 30 of off-numbered years. The person may be reappointed and may be dismissed by the Board only for cause.

(3) Residency. The Clerk / Treasurer is not required to reside in the Town.

(4) Statutory Duties. The Clerk /Treasurer shall perform the duties enumerated in Wis. Stats. 60.33 and 60.34 (2005-06), including any amendments thereto, subject to the review, supervision and direction of the Town Board.

(5) Additional Duties. In addition to the statutory duties set forth above, the Clerk / Treasurer shall act as the secretary for the Town Plan Commission and the Town Board of Appeals.

(6) Office Hours. The Clerk / Treasurer shall hold office hours at the Town Hall as directed by the Town Board.

Section 2. Referendum Approval Required.<sup>3</sup> The changes described in Section 1, above, are subject to approval in a referendum, which is hereby called by the Town Board to be held on November 4, 2008. The referendum question shall be:

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<sup>2</sup> Section 2.04 created August 4, 2008 by Ordinance 2 2008/2009.

<sup>3</sup> Referendum passed November 4, 2008

“Shall the person holding the combined office of clerk-treasurer in the Town of Sheboygan Falls be appointed by the town board?”

## 2.05 TOWN PLAN COMMISSION<sup>4</sup>

(1) Title This ordinance is entitled the “Town of Sheboygan Falls Plan Commission Ordinance.”

(2) Purpose The purpose of this ordinance is to establish a Town of Sheboygan Falls Plan Commission and set forth its organization, powers and duties, to further the health, safety, welfare and wise use of resources for the benefit of current and future residents of the Town and affected neighboring jurisdictions, through the adoption and implementation of comprehensive planning with significant citizen involvement.

(3) Authority; Establishment (5-Member) The Town Board of the Town of Sheboygan Falls has been authorized by the Town meeting under sec. 60.11(2)(c), Wis. Stats., to exercise village powers and the Town has a population of less than 2,500, according to the most recent regular or special federal census, sec. 990.01 (29), Wis. Stats. The Town Board hereby exercises village powers under sec. 60.22(3), Wis. Stats., and establishes a five (5) member Plan Commission under secs. 60.62(4), 61.35 and 62.23, Wis. Stats. The Plan Commission shall be considered the “Town Planning Agency” under secs. 236.02(13) and 236.45, Wis. Stats., which authorize, but do not require, Town adoption of a subdivision or other land division ordinance

(4) Membership The Plan Commission shall consist of five (5) members, with at least one (1) member of the Town Board, who may be the Town Board Chairperson, and at least one (1) citizen member, who is not otherwise a Town official, and who shall be a person of recognized experience and qualifications.

(5) Appointments The Town Board Chairperson shall appoint the members of the Plan Commission, subject to confirmation by the Town Board, during the month of April to fill any expiring term. The Town Board Chairperson shall also select the Chairperson of the Plan Commission. The Town Board Chairperson may appoint himself or herself or another Town Board member to the Plan Commission and may designate himself or herself, the other Town Board member, or a citizen member as Chairperson of the Plan Commission. In a year in which any Town Board member is elected at the spring election, any appointment or designation by the Town Board Chairperson shall be made after the election and qualification of the Town Board members elected. Any citizen appointed to the Plan Commission shall take and file the oath of office within five (5) days of notice of appointment, as provided under secs. 19.01 and 60.31, Wis.

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<sup>4</sup> Section 2.05 created November 2, 2009 by Ordinance 3 2009/2010.

(6) Terms of Office The term of office for the Plan Commission Chairperson and each Commission member shall be for a period of 3 years, ending on April 30, or until a successor is appointed and qualified. However, the Plan Commission Chairperson or member who is a Town Board Chairperson or Town Board member shall serve on the Commission for a period of two (2) years, as allowed under sec. 66.0501(2), Wis. Stats., concurrent with his or her term on the Town Board. An initial appointment of such Town Board Chairperson or Town Board member made after April 30 shall be for a term that expires two (2) years from the previous April 30.

(7) Vacancies A person who is appointed to fill a vacancy on the Plan Commission shall serve for the remainder of the term. A member of the Plan Commission may be removed only by a majority vote of the Town Board.

(8) Compensation; Expenses The Town Board of the Town of Sheboygan Falls hereby sets a Per Diem Schedule for citizen and Town Board members of the Plan Commission on file with the Town Clerk, as allowed under sec. 66.0501(2), Wis. Stats. The Town Board shall have the authority to amend the Per Diem Schedule from time to time by Town Board resolution. In addition, the Town Board may reimburse reasonable costs and expenses, as allowed under sec. 60.321, Wis. Stats.

(9) Experts & Staff The Plan Commission may, under sec. 62.23(1), Wis. Stats., recommend to the Town Board the employment of experts and staff, and may review and recommend to the approval authority proposed payments under any contract with an expert.

(10) Rules; Records The Plan Commission, under sec. 62.23(2), Wis. Stats., may adopt rules for the transaction of its business, subject to Town ordinances, and shall keep a record of its resolutions, transactions, findings and determinations, which shall be a public record under secs. 19.21-19.39, Wis. Stats.

(11) Chairperson & Officers

(a) Chairperson. The Plan Commission Chairperson shall be appointed and serve a term as provided in paragraphs 5 and 6 of this ordinance. The Chairperson shall, subject to Town ordinances and Commission rules:

- (1) provide leadership to the Commission;
- (2) set Commission meeting and hearing dates;
- (3) provide notice of Commission meetings and hearings and set their agendas, personally or by his or her designee;
- (4) preside at Commission meetings and hearings; and

(5) ensure that the laws are followed.

(b) Vice Chairperson. The Plan Commission may elect, by open vote or secret ballot under sec. 19.88(1), Wis. Stats., a Vice Chairperson to act in the place of the Chairperson when the Chairperson is absent or incapacitated for any cause.

(c) Secretary. The Plan Commission shall elect, by open vote or secret ballot under sec. 19.88(1), Wis. Stats., one of its members to serve as Secretary, or, with the approval of the Town Board, designate the Town Clerk or other Town officer or employee as Secretary.

(12) Commission Members as Local Public Officials All members of the Plan Commission shall faithfully discharge their official duties to the best of their abilities, as provided in the oath of office, sec. 19.01, Wis. Stats., in accordance with, but not limited to, the provisions of the Wisconsin Statutes on: Public Records, secs. 19.21-19.39; Code of Ethics for Local Government Officials, secs. 19.42, 19.58 & 19.59; Open Meetings, secs. 19.81-19.89; Misconduct in Office, sec. 946.12; and Private Interests in Public Contracts, sec. 946.13. Commission members shall further perform their duties in a fair and rational manner and avoid arbitrary actions.

(13) General & Miscellaneous Powers The Plan Commission, under sec. 62.23(4), Wis. Stats., shall have the power:

(a) Necessary to enable it to perform its functions and promote Town planning.

(b) To make reports and recommendations relating to the plan and development of the Town to the Town Board, other public bodies, citizens, public utilities and organizations.

(c) Recommend to the Town Board programs for public improvements and the financing of such improvements.

(d) To receive from public officials, within a reasonable time, requested available information required for the Commission to do its work.

(e) For itself, its members and employees, in the performance of their duties, to enter upon land, make examinations and surveys, and place and maintain necessary monuments and marks thereon. However, entry shall not be made upon private land, except to the extent that the private land is held open to the general public, without the permission of the landowner or tenant. If such permission has been refused, entry shall be made under the authority of an inspection warrant issued for cause under sec. 66.0119, Wis. Stats., or other court-issued warrant.

(14) Town Comprehensive Planning: General Authority & Requirements



(a) The Plan Commission shall make and adopt a comprehensive plan under secs. 62.23 and 66.1001, Wis. Stats., which contains the elements specified in sec. 66.1001(2), Wis. Stats, and follows the procedures in sec. 66.1001(4), Wis. Stats.

(b) The Plan Commission shall make and adopt the comprehensive plan within the time period directed by the Town Board, but not later than a time sufficient to allow the Town Board to review the plan and pass an ordinance adopting it to take effect on or before January 1, 2010, so that the Town comprehensive plan is in effect by the date on which specified town actions must be consistent with the Town comprehensive plan under sec. 66.1001(3), Wis. Stats.

(c) In this section the requirement to “make” the plan means that the Plan Commission shall ensure that the plan is prepared, and oversee and coordinate the preparation of the plan, whether the work is performed for the Town by the Plan Commission, Town staff, another unit of government, the regional planning commission, a consultant, citizens, an advisory committee, or any other person, group or organization.

(15) Procedure for Plan Commission Adoption & Recommendation of a Town Comprehensive Plan or Amendment The Plan Commission, in order to ensure that the requirements of sec. 66.1001(4), Wis. Stats, are met, shall proceed as follows:

(a) Public participation verification. Prior to beginning work on a comprehensive plan, the Plan Commission shall verify that the Town Board has adopted written procedures designed to foster public participation in every stage of preparation of the comprehensive plan. These written procedures shall include open discussion, communication programs, information services and noticed public meetings. These written procedures shall further provide for wide distribution of proposed, alternative or amended elements of a comprehensive plan and shall provide an opportunity for written comments to be submitted by members of the public to the Town Board and for the Town Board to respond to such written comments.

(b) Resolution. The Plan Commission, under sec. 66.1001(4)(b), Wis. Stats., shall recommend its proposed comprehensive plan or amendment to the Town Board by adopting a resolution by a majority vote of the entire Plan Commission. The vote shall be recorded in the minutes of the Plan Commission. The resolution shall refer to maps and other descriptive materials that relate to one or more elements of the comprehensive plan. The resolution adopting a comprehensive plan shall further recite that the requirements of the comprehensive planning law have been met, under sec. 66.1001, Wis. Stats., namely that:

(1) the Town Board adopted written procedures to foster public participation and that such procedures allowed public participation at each stage of preparing the comprehensive plan;

(2) the plan contains the nine (9) specified elements and meets the requirements of those elements;

(3) the (specified) maps and (specified) other descriptive materials relate to the plan;

(4) the plan has been adopted by a majority vote of the entire Plan Commission, which the clerk or secretary is directed to record in the minutes; and

(5) the Plan Commission clerk or secretary is directed to send a copy of the comprehensive plan adopted by the Commission to the governmental units specified in sec. 66.1001(4), Wis. Stats., and sub. (c) of this section.

(c) Transmittal. One copy of the comprehensive plan or amendment adopted by the Plan Commission for recommendation to the Town Board shall be sent to:

(1) Every governmental body that is located in whole or in part within the boundaries of the Town, including any school district, Town sanitary district, public inland lake protection and rehabilitation district or other special district.

(2) The clerk of every city, village, town, county and regional planning commission that is adjacent to the Town.

(3) The Wisconsin Land Council.

(4) After September 1, 2005, the Department of Administration.

(5) The regional planning commission in which the Town is located.

(6) The public library that serves the area in which the Town is located.

(16) Plan Implementation & Administration

(a) Ordinance development. If directed by resolution or motion of the Town Board, the Plan Commission shall prepare the following:

(1) Zoning. A proposed Town zoning ordinance under village powers, secs. 60.22(3), 61.35 and 62.23(7), Wis. Stats., a Town construction site erosion control and storm water management zoning ordinance under sec. 60.627(6), Wis Stats., a Town exclusive agricultural zoning ordinance under

subch. V of ch. 91, Wis. Stats., and any other zoning ordinance within the Town's authority.

(2) Official map. A proposed official map ordinance under sec. 62.23 (6), Wis. Stats.

(3) Subdivisions. A proposed Town subdivision or other land division ordinance under sec. 236.45, Wis. Stats.

(4) Other. Any other ordinance specified by the Town Board (*Note*: e.g., historic preservation, design review, site plan review).

(b) Ordinance amendment. The Plan Commission, on its own motion, or at the direction of the Town Board by its resolution or motion, may prepare proposed amendments to the Town's ordinances relating to comprehensive planning and land use.

(c) Non-regulatory programs. The Plan Commission, on its own motion, or at the direction of the Town Board by resolution or motion, may propose non-regulatory programs to implement the comprehensive plan, including programs relating to topics such as education, economic development and tourism promotion, preservation of natural resources through the acquisition of land or conservation easements, and capital improvement planning.

(d) Program administration. The Plan Commission shall, pursuant to Town ordinances, have the following powers:

(1) Zoning conditional use permits. The Town Clerk shall refer applications for conditional use permits under Town zoning to the Plan Commission for review and recommendation to the Town Board.

(2) Subdivision review. Proposed plats under ch. 236, Wis. Stats, and proposed subdivisions or other land divisions under the Town subdivision ordinance under sec. 236.45, Wis. Stats. and Town ordinances shall be referred to the Plan Commission for review and recommendation to the Town Board.

(3) Other As specified by the Town Board.

(c) Consistency. When the Plan Commission considers any action that is subject to the consistency requirement in sec. 66.1001(3), Wis. Stats., the action of the Plan Commission shall, as of January 1, 2010, be consistent with the Comprehensive Plan. If any such Plan Commission action would not be consistent with the comprehensive plan, the Plan Commission shall use this as information to consider in updating the comprehensive plan.

(17) Referrals to the Plan Commission

(a) Required referrals under sec. 62.23(5), Wis. Stats. The following shall be referred to the Plan Commission for report:

(1) The location and architectural design of any public building.

(2) The location of any statue or other memorial.

(3) The location, acceptance, extension, alteration, vacation, abandonment, change of use, sale, acquisition of land for or lease of land for any:

- (i) street, alley or other public way;
- (ii) park or playground;
- (iii) airport;
- (iv) area for parking vehicles; or
- (v) other memorial or public grounds.

(4) The location, extension, abandonment or authorization for any publicly or privately owned public utility.

(5) All plats under the Town's jurisdiction under ch. 236, Wis. Stats., including divisions under a Town subdivision or other land division ordinance adopted under sec. 236.45, Wis. Stats.

(6) The location, character and extent or acquisition, leasing or sale of lands for:

- (i) public or semi-public housing;
- (ii) slum clearance;
- (iii) relief of congestion; or
- (iv) vacation camps for children.

(7) The amendment or repeal of any ordinance adopted under sec. 62.23, Wis. Stats., including ordinances relating to: the Town Plan Commission; the Town master plan or the Town comprehensive plan under sec. 66.1001, Wis. Stats.; a Town official map; and Town zoning under village powers.

(b) Required referrals under sections of the Wisconsin Statutes other than sec. 62.23(5), Wis. Stats. The following shall be referred to the Plan Commission for report:

(1) An application for initial licensure of a child welfare agency or group home under sec. 48.68(3), Wis. Stats.

(2) An application for initial licensure of a community-based residential facility under sec. 50.03(4), Wis. Stats.

(3) Proposed designation of a street, road or public way, or any part thereof, wholly within the jurisdiction of the Town, as a pedestrian mall under sec. 66.0905, Wis. Stats.

(4) Matters relating to the establishment or termination of an architectural conservancy district under sec 66.1007, Wis. Stats.

(5) Matters relating to the establishment of a reinvestment neighborhood required to be referred under sec. 66.1107, Wis. Stats.

(6) Matters relating to the establishment or termination of a business improvement district required to be referred under sec, 66.1109, Wis. Stats.

(7) A proposed housing project under sec. 66.1211(3), Wis. Stats.

(8) Matters relating to urban redevelopment and renewal in the Town required to be referred under subch. XIII of ch. 66, Wis. Stats.

(9) The adoption or amendment of a Town subdivision or other land division ordinance under sec. 236.45(4), Wis. Stats.

(10) Any other matter required by the Wisconsin Statutes to be referred to the Plan Commission.

(c) Required referrals under this ordinance. In addition to referrals required by the Wisconsin Statutes, the following matters shall be referred to the Plan Commission for report:

(1) Any proposal, under sec. 59.69, Wis. Stats., for the town to approve general county zoning so that it takes effect in the town, or to remain under general county zoning.

(2) Proposed regulations or amendments relating to historic preservation under sec. 60.64, Wis. Stats.

(3) A proposed driveway access ordinance or amendment.

(4) A proposed Town official map ordinance under sec. 62.23(6), Wis. Stats., or any other proposed Town ordinance under sec. 62.23, Wis. Stats., not specifically required by the Wisconsin Statutes to be referred to the commission.

(5) A proposed Town zoning ordinance or amendment adopted under authority separate from or supplemental to sec. 62.23, Wis. Stats., including a Town construction site erosion control and storm water management zoning ordinance under sec. 60.627(6), Wis Stats., and a Town exclusive agricultural zoning ordinance under subch. V of ch. 91, Wis. Stats.

(6) An application for a conditional use permit under the Town zoning ordinance.

(7) A proposed site plan.

(8) A proposed extraterritorial zoning ordinance or a proposed amendment to an existing ordinance under sec. 62.23(7a), Wis. Stats.

(9) A proposed boundary change pursuant to an approved cooperative plan agreement under sec. 66.0307, Wis. Stats., or a proposed boundary agreement under sec. 66.0225, Wis. Stats., or other authority.

(10) A proposed zoning ordinance or amendment pursuant to an agreement in an approved cooperative plan under sec. 66.0307(7m), Wis. Stats.

(11) Any proposed plan, element of a plan or amendment to such plan or element developed by the regional planning commission and sent to the Town for review or adoption.

(12) Any proposed contract, for the provision of information, or the preparation of a comprehensive plan, an element of a plan or an implementation measure, between the Town and the regional planning commission, under sec. 66.0309, Wis. Stats., another unit of government, a consultant or any other person or organization.

(13) A proposed ordinance, regulation or plan, or amendment to the foregoing, relating to a mobile home park under sec. 66.0435, Wis. Stats.

(14) A proposed agreement, or proposed modification to such agreement, to establish an airport affected area, under sec. 66.1009, Wis. Stats.

(15) A proposed town airport zoning ordinance under sec. 114.136(2), Wis. Stats.

(16) A proposal to create environmental remediation tax incremental financing in the town under sec. 66.1106, Wis. Stats.

(17) A proposed county agricultural preservation plan or amendment, under subch. IV of ch. 91, Wis. Stats., referred by the county to the Town, or proposed Town agricultural preservation plan or amendment.

(18) Any other matter required by any Town ordinance or Town Board resolution or motion to be referred to the Plan Commission.

(d) Discretionary referrals. The Town Board, or other town officer or body with final approval authority or referral authorization under the Town ordinances, may refer any of the following to the Plan Commission for report:

(1) A proposed county development plan or comprehensive plan, proposed element of such a plan, or proposed amendment to such plan.

(2) A proposed county zoning ordinance or amendment.

(3) A proposed county subdivision or other land division ordinance under sec. 236.45, Wis. Stats., or amendment.

(4) An appeal or permit application under the county zoning ordinance to the county zoning board of adjustment, county planning body or other county body.

(5) A proposed intergovernmental cooperation agreement, under sec. 66.0301, Wis Stats., or other statute, affecting land use, or a municipal revenue sharing agreement under sec. 66.0305, Wis. Stats.

(6) A proposed plat or other land division under the county subdivision or other land division ordinance under sec. 236.45, Wis. Stats.

(7) A proposed county plan, under sec. 236.46, Wis. Stats., or the proposed amendment or repeal of the ordinance adopting such plan, for a system of town arterial thoroughfares and minor streets, and the platting of lots surrounded by them.

(8) Any other matter deemed advisable for referral to the Plan Commission for report.

(e) Referral period. No final action may be taken by the Town Board or any other officer or body with final authority on a matter referred to the Plan Commission until the Commission has made its report, or thirty (30) days, or such longer period as stipulated by the Town Board, has passed since referral. The thirty (30) day period for referrals required by the Wisconsin Statutes may be shortened only if so authorized by statute. The thirty (30) day referral period, for matters subject to required or discretionary referral under the Town's ordinances, but not required to be referred under the Wisconsin Statutes, may be made subject by the Town Board to a referral period shorter or longer than the thirty (30) day referral period if deemed advisable.

## TOWN OF SHEBOYGAN FALLS PLAN COMMISSION PER DIEM SCHEDULE

Chairman	\$50.00
Vice Chairman	\$50.00
Secretary	\$50.00
Member	\$40.00
Member	\$40.00

Last revised December 7, 2009.

### 2.06 EMPLOYEE GRIEVANCE PROCEDURE<sup>5</sup>

1. Purpose. This grievance procedure is adopted pursuant to s. 66.0509(1m), Wis. Stat., and is intended to provide a timely and orderly review of disputes regarding: a) employee terminations, b) employee discipline, and c) workplace safety.

2. Definitions.

a. "Days": means calendar days, excluding legal holidays as defined in s. 995.20, Wis. Stat.

b. "Discipline": means any employment action that results in disciplinary suspension without pay, disciplinary reduction in pay or other benefits, disciplinary demotions and terminations. The term "discipline" does not include verbal notices or reminders, written reprimands, performance evaluations, documentation of employee acts and/or omissions in an employment file, non-disciplinary demotions, non-disciplinary adjustments to compensation or benefits, actions taken to address job performance such as establishment of a performance improvement plan or job targets; placing an employee on paid leave pending an internal investigation; or other personnel actions taken by the employer for non-disciplinary reasons.

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<sup>5</sup> Section 2.06 was created 9/12/2011 by Ordinance 4 2011/2012.



c. "Hearing Officer": means the impartial hearing officer required pursuant to s. 66.0509(1m)(d)2, Wis. Stat. The Town Board shall select the impartial hearing officer. The hearing officer shall not be an employee of the town.

d. "Termination": means a discharge from employment for rule violations, poor performance, acts detrimental to the employer or other acts of misconduct. The term "termination" does not include: a voluntary quit, completion of seasonal employment, completion of temporary assignment, completion of contract, layoff or failure to be recalled from layoff at the expiration of the recall period; retirement, job abandonment ("no call, no show" or other failure to report to work); or termination of employment due to medical condition, lack of qualification or license, or any other cessation of employment not involving involuntary termination.

e. "Workplace Safety": means any alleged violation of any standard established under state law or rule or federal law or regulation relating to workplace safety.

### 3. Process and Timelines.

a. The employee must file a written grievance with the town clerk within 10 days of the termination, discipline or actual or reasonable knowledge of the alleged workplace safety issue. So that an earnest effort can be made to resolve the matter informally, the grievant must discuss the issue with his/her immediate supervisor prior to filing the written grievance. However, in the case of a termination, such a meeting is not required. Grievance forms may be obtained from the clerk. The town clerk shall inform the employee's immediate supervisor and the town chair about receipt of the written grievance as soon as practicable.

b. The employee's immediate supervisor will meet with the grievant within 10 days of receipt of the written grievance. The supervisor will provide the grievant with a written response within 10 days of the meeting. A copy of the supervisor's response shall be filed in the clerk's office. If no one has been designated the employee's immediate supervisor, the employee will meet with the town chair who shall then provide the written response.

c. The employee may request an appeal to the hearing officer by filing a written request with the town clerk within 10 days of receiving the written response. The town clerk shall notify the town chair and employee's supervisor about the filing of the request for a hearing as soon as practicable. The town will work with the hearing officer and grievant to schedule a mutually agreeable hearing date.

d. The hearing officer shall provide the employee and employee's supervisor with a written decision no later than 30 days after the hearing date. The hearing

officer shall also provide the town clerk with a copy of the decision for filing in the clerk's office.

e. The non-prevailing party may file a written request with the town clerk for an appeal to the town board within 10 days of receipt of the hearing officer's decision. The clerk shall notify the town chair about the request as soon as possible. The town board shall decide the matter and issue a written decision within 45 days of the filing of the appeal. The town board may sustain, deny or modify the recommendation of the impartial hearing officer. The decision of the town board shall be final and binding. A copy of the board's decision shall be provided to the employee and filed in the town clerk's office.

f. All timelines may be extended by mutual written agreement of the town board and employee. Without such agreement, a failure of the employee to adhere to any of the specified timelines shall preclude any further consideration of the grievance.

g. If the last day on which an event is to occur is a Saturday, Sunday, or legal holiday, the time limit is extended to the next day which is not a Saturday, Sunday or legal holiday. A grievance or request for an appeal is considered timely if received by the town clerk during normal business hours or if postmarked by 11:59 p.m. on the due date.

h. If the grievance is not answered within the time limits, at any stage, the employee may proceed to the next available step within 7 days.

i. The grievant and town board may mutually agree in writing to waive a step or multiple steps within the procedure.

j. Granting the requested or agreed upon remedy resolves the grievance.

#### 4. Grievance Requirements.

The written grievance must contain:

- a. A statement of the pertinent facts surrounding the nature of the grievance.
- b. The date the incident occurred or the date the alleged workplace safety concern was discovered.
- c. The steps taken to informally resolve the grievance, the individuals involved in the attempted resolution, and the results of such discussion.
- d. The specific remedy requested; and

e. A description of the workplace safety rule alleged to have been violated, if applicable.

5. Supervisor's Response.

The supervisor's written response to the employee's written grievance must contain:

a. A statement of the date the meeting between the employee and supervisor was held.

b. A decision as to whether the grievance is sustained or denied.

6. Procedure Before the Hearing Officer. The hearing officer shall define the issues, identifying areas of agreement and identifying the issues in dispute and hear evidence and arguments. The hearing officer will determine whether the town acted in an arbitrary and capricious manner. A decision will not have been arbitrary or capricious if it was made in the best interest of the town. In all cases, the grievant shall have the burden of proof to support the grievance. This process does not involve a hearing before a court of law; thus, the rules of evidence will not be strictly followed. However, no factual findings may be based solely on hearsay evidence.

The hearing officer may require the employee and town to submit materials related to the grievance and witness lists in advance of the hearing in order to expedite the hearing. The hearing officer shall sustain or deny the decision of the employee's supervisor. The hearing officer is not given authority to modify the decision made by the employee's supervisor. The hearing officer is not given authority to grant in whole or in part the specific request of the grievant. Within 30 days after the hearing, the hearing officer will issue a decision in writing indicating the findings and reasons for the decision.

If the hearing officer's decision on any grievance is appealed, only the issues raised in the hearing may be appealed. Issues are not subject to modification in the appeal process.

7. Hearing Officer's Decision.

The hearing officer's written decision must contain:

a. A statement of pertinent facts surrounding the nature of the grievance.

b. A decision as to whether the grievance is sustained or denied, with the rationale for the decision.

c. A statement outlining the timeline to appeal the decision.

8. Representation. Both the employee and the town may be assisted by a representative of their own choosing in person or by teleconference at any point during the grievance process.

9. Consolidation. The employee's immediate supervisor and/or the hearing officer may consolidate grievances where a reasonable basis for consolidation exists.

If more than one employee is grieving the same issue or circumstance, a single grievance form may be used. A group grievance must be signed by all grieving employees and must indicate that it is a group grievance at the first step in the grievance process.

10. Costs. Any expense incurred by an employee in investigating, preparing, or presenting a grievance shall be the sole responsibility of the employee. Each party (employee and employer) shall bear its own costs for witnesses and all other out-of-pocket expenses, including possible attorney fees. The fees of the impartial hearing officer shall be divided equally between the parties with the employee(s) paying half and the employer paying the other half.

## 2.07 Extending Town Officer Terms In Response to Election Law Changes<sup>6</sup>

1. Purpose. The term of elected town officers (other than elected assessors) have previously begun on the 2nd Tuesday in April; town officers (other than assessors) elected in April 2012 and thereafter will now have their terms of office commence on the 3rd Tuesday in April due to recent state election law changes; this law change results in a week long "gap" between the end of the current terms of office for those town officers elected in either 2010 or 2011 and the start of the new terms of office for those officers elected in April 2012 or April 2013; , 2011 Wis. Act 115 provides that a town board may enact an ordinance providing that the terms of any elective officers in the town who were elected or appointed to serve for terms expiring on the 2nd Tuesday in April 2012 or 2013 may be extended to the 3rd Tuesday in April in the same year in which the terms would otherwise have expired.

The terms of elected town officers which shall expire after 11:59 p.m. on the 2nd Monday of April in either April 2012 or April 2013 shall be extended until the 3rd Tuesday of April in the same year in which the terms would otherwise have expired.

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<sup>6</sup> Section 2.07 created by Ordinance 6 2011/2012 adopted 3/5/2012.