

# TITLE 2

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## **Government and Administration**

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# Title 2 – Chapter 1

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## General Provisions and Elections

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### **Sec. 2-1-1      Legal Status; General Town Powers.**

- (a) The Town of Oshkosh, Winnebago County, Wisconsin is a body corporate and politic, with those powers granted by law. The Town shall be designated in all actions and proceedings by its name, as the Town of Oshkosh.
- (b) The Town may:
  - (1) Sue and be sued.
  - (2) Acquire and hold real personal property for public use and convey and dispose of the property.
  - (3) Enter into contracts necessary for the exercise of its corporate powers.

**State Law Reference:** §60.01, Wis. Stats.

### **Sec. 2-1-2      Village Powers.**

The Town Meeting have, by resolution, directed the Town Board to exercise all powers relating to villages and conferred on village boards by Chapter 61, Wis. Stats., the Town of Oshkosh shall have said powers through its Board. This is a continuing grant of powers.

**State Law Reference:** §60.10(2)(c), 60.22(3) and Ch. 61, Wis. Stats.

### **Sec. 2-1-3      Voter Registration.**

- (a) Pursuant to the provisions of §6.27(2) of the Wisconsin Statutes, the Town of Oshkosh elects that registration shall be required for all primaries and elections in the Town of Oshkosh.
- (b) The Town Clerk of the Town of Oshkosh shall forthwith certify this action to the County Clerk and to the Secretary of State.

## **Sec. 2-1-4          Polling Place.**

The polling place serving all wards in the Town of Oshkosh shall be the Oshkosh Town Hall.

**State Law Reference:** §5.25(2), Wis. Stats.

## **Sec. 2-1-5          Election Poll Hours; Workers.**

- (a) **Poll Hours.** The voting polls in the Town of Oshkosh, Winnebago County, Wisconsin, shall be open from 7:00 a.m. to 8:00 p.m. for all elections.
- (b) **Number of Election Officials.**
  - (1) The Town Clerk shall be authorized to employ election officials (poll and workers and tabulators) for each election sufficient to conduct said election effectively, the minimum number of election officials necessary at any one time for any one (1) election being three (3). It is further authorized that two (2) sets of election officials may be used at different times at any one (1) election with the total number of election officials working at one time to be an odd number.
  - (2) The Town Clerk shall have the power to limit or reduce the number of election officials. The Town Clerk shall determine in advance of each election whether the number of election officials for such election should be reduced from the number prescribed by the Wisconsin Statutes, and if such a reduction is so determined, the Town Clerk shall further redistribute duties among the remaining officials.
- (c) **Tabulators.** The Town Clerk may deem necessary from time to time to select and employ tabulators for certain elections due to the high projected voter turnout. Tabulators shall assist and be under the direction of the election officials after the close of the polls. The Town Clerk shall select and employ tabulators, if needed, for any election.
- (d) **Wards.**
  - (1) Wards have been established in the Town of Oshkosh for election purposes. However, there are various elections where Town electors from more than one (1) ward vote for offices that are identical to those in other wards, the Town Board has determined that tabulating vote totals by ward requires more time by election officials and occasionally require more inspectors to work at elections. Thus, the Town Board has determined that there is no administrative advantage to having vote totals by ward when voting for common offices.
  - (2) For the reasons stated above, the Town Board has determined that wards will be combined for vote reporting purposes for those wards voting for common office(s).

**State Law Reference:** §7.30(1) and (3), Wis. Stats.

**Cross-Reference:** Section 1-3-1

**Sec. 2-1-6            Official Newspaper.**

The Town of Oshkosh shall use posting pursuant to the Wisconsin Statutes as its means of giving notice. When publication is required by the Wisconsin Statutes or when directed by the Town Board as a substitute to posting, the official newspaper of the Town of Oshkosh shall be the *Oshkosh Northwestern*.

## Title 2 – Chapter 2

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### Town Meetings

2-2-1	Town Meeting Definitions
2-2-2	Powers of Town Meeting
2-2-3	Annual Town Meeting
2-2-4	Special Town Meetings
2-2-5	Residing Officer at Town Meetings
2-2-6	Procedure at All Town Meetings
2-2-7	Clerk of Town Meetings

#### Sec. 2-2-1 Town Meeting Definitions.

In this Code of Ordinances:

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

*State Law Reference:* §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 §60.32, Wis. Stats., unless the authority has been delegated to the Town Board under Subsection (b)(1) below.
    - (b) Combine the offices of Town Clerk and Town Treasurer under §60.305(1), Wis. Stats.
    - (c) Combine the offices of Town Assessor and Town Clerk under §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 §60.305(1)(b), Wis. Stats.

- (3) **Election of town officers.**
  - (a) Adopt a plan under §5.60(6), Wis. Stats., to elect Town Board Supervisors to numbered seats.
  - (b) Provide under §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 §81.05, Wis. Stats.
- (5) **Cemeteries.** Authorize the acquisition and conveyance of cemeteries under §157.50(1) and (3), Wis. Stats.
- (6) **Administrator agreements.** Approve agreements to employ an Administrator for more than three (3) years under §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 the 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 §60.21(2), Wis. Stats.
  - (3) **Exercise of village powers.** Authorize the Town Board to exercise powers of a Village Board under §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 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 §60.307(2), Wis. Stats.
  - (10) ***Compensation of elective Town offices.*** Authorize the Town Board to fix the compensation of elective Town offices under §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 §60.23(6), Wis. Stats.
  - (2) ***Civic functions.*** Civic and other functions under §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 §59.07(65), Wis. Stats.
  - (5) ***Cemetery Improvements.*** The improvement of a Town cemetery under §157.50(5), Wis. Stats.

**State Law Reference:** §60.10, Wis. Stats.

## **Sec. 2-2-3 Annual Town Meeting.**

- (a) **Requirement.** The Town of Oshkosh 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 third (3<sup>rd</sup>) Tuesday of April.
  - (2) The annual Town meeting may set a date different than provided under Subsection (b)(a) above the next annual Town meeting if the date is within ten (10) days after the third (3<sup>rd</sup>) 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 Oshkosh.
  - (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 §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 §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:** §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 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.

**State Law Reference:** §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.
  - (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:** §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 §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:** §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 lists if required by the annual Town meeting under §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:** §60.15, Wis. Stats.

## Title 2 – Chapter 3

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### Town Board

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2-3-17	Publication or Posting of Ordinances and Resolutions
2-3-18	Amendment of Rules
2-3-19	Suspension of Rules

#### **Sec. 2-3-1      Town Board; Elections to.**

- (a) **Membership.** The Town Board consists of two (2) Supervisors of the Town of Oshkosh and the Chairperson.
- (b) **Elections.** Bi-annually in odd-numbered years, at the annual spring election, there shall be elected three (3) members to the Oshkosh Town Board, one (1) of whom shall be designated on the ballots as Chairperson and the other two (2) elected as Supervisors.

*State Law Reference:* §60.20, Wis. Stats.

#### **Sec. 2-3-2      General Powers and Duties of the Town Board.**

The Town Board of the Town of Oshkosh has the specific authority, powers and duties, pursuant to §60.10, 60.20, 60.22 and 60.23, Wis. Stats., and has, with authorization of the Town meeting, additional statutory authority, powers and duties to manage and

direct certain affairs of the Town of Oshkosh. In addition, the Town Board of the Town of Oshkosh has additional general and specific statutory authority, powers and duties established beyond Chapter 60, Wis. Stats., and as prescribed by this Code of Ordinances.

- (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 §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, the following demand, payment is not made; the Board shall pursue appropriate legal action to recover the penalty, forfeiture or damages.

**State Law Reference:** §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 §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 §60.072, 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, but not limited to, 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 §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 §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 §27.015, 59.07(65) and 59.97, Wis. Stats.
- (f) **Conservation of Natural Resources.** If authorized by the Town meeting under §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 §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 §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 Town.** 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 §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 §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 §90.02, Wis. Stats., on the boundary of a subdivision, as defined under §236.02(8), Wis. Stats., as a condition of plat approval by the Town. The fence shall be maintained under §90.05(2), Wis. Stats., and repaired under §90.10 and 90.11.
- (r) **Disposition of Dead Animals.** Notwithstanding §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 §66.30 to provide for the removal and disposition. The Town may recover its costs under this Subsection by levying a special assessment under §66.345, Wis. Stats.

**State Law Reference:** §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 §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.
    - (b) Sign all drafts, order checks and transfer orders as provided under §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.
- (7) **Administer Oaths.** The Chairperson may administer oaths and affidavits on all matters pertaining to the affairs of the Town.
- (8) **Other Responsibilities.** In addition to the powers and duties under this Section, the Chairperson has the following responsibilities:
  - (a) Nominate election officials when the Town Board disapproves the nominee of a party committee under §7.30(4)(b)2, Wis. Stats.
  - (b) Serve as caucus official under §8.05(1)(c), Wis. Stats.
  - (c) Sue on official bonds under §19.015, Wis. Stats.
  - (d) Execute and sign a certificate of indebtedness in connection with obtaining a state trust fund loan under §24.67, Wis. Stats.
  - (e) Serve as Town fire warden under §26.13 and 26.14, Wis. Stats.
  - (f) Appoint members of library boards under §43.54(1)(a) and 43.60(3), Wis. Stats.
  - (g) Exercise the powers and duties specified for a mayor under §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 §61.65(3g)(d)2, Wis. Stats., or a board of police and fire commissioners under §60.57, Wis. Stats.
  - (h) Provide an annual estimate of funds necessary for any utility district established under §66.072(2), Wis. Stats.
  - (i) Publish annually a notice regarding noxious weeds and appoint one (1) or more commissioners of noxious weeds under §66.96 to 66.99, Wis. Stats.
  - (j) Sign general obligation bonds issued by the Town under §67.08(1), Wis. Stats.

- (k) If authorized by the Town Board, represent the interests of the Town in connection with appearances before the State Tax Appeals Commission under §70.64(5), Wis. Stats.
- (l) Approve the bond of the Town Clerk delivered to the County Treasurer under §70.67(1), Wis. Stats.
- (m) 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 §80.48(3) and (4), Wis. Stats.
- (n) Sign orders for payment of work performed and materials furnished on Town highways under §81.04, Wis. Stats.
- (o) See that all tunnels in the Town are constructed under §81.35, Wis. Stats., and that they are kept in good repair.
- (p) If applicable, serve as a member of the County Highway Committee under §83.015(1)(d), Wis. Stats.
- (q) If applicable, close county trunk highways when rendered dangerous for travel and notify the Highway Commissioner under §80.09, Wis. Stats.
- (r) If applicable, appoint members to Airport commissions under §114.14(2), Wis. Stats.
- (s) 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 §120.50, Wis. Stats.
- (t) Perform the Town Chairperson's duties related to jewelry auction sales under §130.07, Wis. Stats.
- (u) Under §167.10, Wis. Stats., enforce regulation of fireworks.
- (v) Perform the Town Chairperson's duties related to stray animals and lost goods under Ch. 170, Wis. Stats.
- (w) Perform the Town Chairperson's duties related to animals under Ch. 172, Wis. Stats.
- (x) Perform the Town Chairperson's duties related to animals that have caused damage in the Town under Ch. 173, Wis. Stats.
- (y) If applicable, perform the Town Chairperson's duties related to municipal power and water districts under Ch. 198, Wis. Stats.
- (z) If applicable, cause actions to be commenced for recover of forfeitures for violations of Town Ordinances that can be recovered in municipal court under §778.11, Wis. Stats.
- (aa) If applicable, notify the district attorney of forfeitures, which may not be recovered in municipal court under §778.12, Wis. Stats.
- (bb) Approve bonds furnished by contractors for public works under §779.14(1), Wis. Stats.

**State Law Reference:** §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 Town Board of the Town of Oshkosh will be held at the Oshkosh Town Hall as scheduled by the Town Board. Any regular meeting of the Town Board falling upon a legal holiday shall be held on the day designated by the Town Board. Any meeting of the Town Board, including any special or adjourned meetings that are not held at the Town Hall but at any other substitute location, shall be designated by the Town Chairperson or his or her designee, in compliance with the open meeting law, by posting a proper written notice of the substituted location at the three (3) usual and customary posting locations likely to give notice. This notice shall occur at least twenty-four (24) hours prior to the meeting of the Town Board, unless in an emergency wherein the proper notice posting shall occur at least two (2) hours prior to the meeting of the Town Board.

### **Sec. 2-3-7 Special Meetings of the Board.**

- (a) Any special meeting of the Town Board may be called by the Chairperson or two (2) members of the Town Board of the Town of Oshkosh in writing with the written call for the special meeting of the Town Board filed with the Town Clerk at least twenty-four (24) hours prior to the proposed special meeting of the Town Board with the time specified in the written call for the special meeting.
- (b) No special meeting of the Town Board shall be held unless the notice requirement of the State Open Meeting Law, pursuant to §19.82, Wis. Stats., have been complied with by the person or persons requesting the public meeting.
- (c) The Town Clerk, upon receipt of the written call for the special meeting of the Town Board, shall immediately notify, in writing, each member of the Town Board by delivering the written notice or by having the written notice delivered personally to each member of the Town Board. If any member of the Town Board cannot be personally notified in writing, then the Town Clerk shall deliver or have delivered a copy of the written notice at the home of any such member of the Town Board in the presence of an adult member of the family of the Town Board member. If any member of the Town Board cannot be notified in writing through an adult family member as noted above, then the Town Clerk shall post such special meeting notice in the above noted three (3) usual and customary locations.
- (d) The Town Clerk shall file proof of service of such special meeting notice by filing an affidavit noting the time, place and location of authorized service of the special meeting affidavit noting the time, place and location of authorized service of the special meeting notice upon the Town Board. If personal service upon any

member of the Town Board was not completed, then the Town Clerk shall so state in the affidavit the type of service or written notice completed.

- (e) Special meetings of the Town Board may be held without such service and notice when all members of the Town Board are present in person or consent in writing to scheduling of any special meeting of the Town Board. Any consent by any member of the Town Board shall be filed by the Town Clerk prior to the beginning of any special meeting of the Town Board.
- (f) Special meetings of the Town Board attended by a quorum of the members shall be considered a regular meeting of the Town Board for the transaction of any Town business that may come before the Town Board is such regular Town business was so noted in the written notice to the public as required by the State Open Meeting Law, §19.82, Wis. Stats.

### **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 Board shall constitute a quorum, but a lesser number may adjourn if a majority is not present. The Chairperson shall be counted in determining whether a quorum exists. If no legal quorum is present at the time of the initial roll call, the meeting of the Town Board shall be thereon adjourned by the members of the Town Board present to a specific date and hour.

### **Sec. 2-3-10 Presiding Officer; Absence of Chairperson or Clerk.**

- (a) **Chairperson to Preside.** The Chairperson shall preside at all meetings of the Town Board when present.
- (b) **Absence of Chairperson at Call to Order of Meeting.** If the Town Chairperson will not be able to preside at the meeting, the Town Board shall make this determination after the initial roll call and then by motion elect an acting presiding officer for the meeting of the Town Board until the Town Chairperson is able to preside at the meeting.
- (c) **Absence of Town Clerk at Meeting.** If the Town Clerk is not present at the time of the initial roll call of the meeting of the Town Board, the Town Chairperson shall appoint the Deputy Clerk or any other person present at the meeting to be the Town Clerk pro tem. The Town Clerk pro tem shall prepare and maintain minutes of the meeting of the Town Board. The Town Clerk pro tem shall deliver these minutes to the Town Clerk after the end of the meeting of the Town Board or when the Town Clerk pro tem is replaced during the meeting of the Town Board by the Town Clerk.

## **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 Town officials;
  - (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) Miscellaneous;
  - (10) Adjournment.
- (b) **Agenda Preparation.**
- (1) The Town Clerk shall prepare an agenda incorporating the matters comprising the order of business; and
  - (2) There will 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) business days prior to the meeting, (except in emergency situations as determined by the Chairperson or Town Clerk), 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.**
- (1) Any member of the Town Board may take up any business on the agenda in an order other than as described in the agenda unless there is an objection by any other member of the Town Board.
  - (2) (a) At meetings of the Town Board, no person, other than the members of this Board, shall address the Town Board or any member of the Town Board. This provision shall not apply to:
    - (1) The Town Clerk.
    - (2) The Town Treasurer.
    - (3) Any member of the Town Board.
    - (4) Town Engineer or Town Attorney.
  - (b) This provision shall not apply under the specific orders of business established to recognize residents of the Town or other persons, under the specific order of business to recognize members of any Town office, Town committee, Town agency, Town commission or

a special board or other Town officers or except if the person has specifically requested the right to address the Town Board and then only after the approval of the presiding officer.

- (c) The Chairperson or presiding officer may impose a time limit on the length of time citizens may address the Board, following the guidelines in Section 2-3-14.
- (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 (except in emergency situations as determined by the Chairperson or Town Clerk).
- (d) **Disposition of Petitions, Communication, Etc.** Every petition or other 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, Copyright 1992*, 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/she has been recognized by the presiding officer. The Supervisor shall thereupon address himself/herself to the Chairperson and confine his/her 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.

### **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/she shall announce the fact that the hearing is concluded.

### **Sec. 2-3-15 Motions; Voting.**

- (a) **Motions Stated.** Prior to any debate on a matter, the members of the Town Board shall be entitled to a clear understanding of the motion before the Town Board. The person making the motion shall clearly state the motion. There shall be a second to any motion prior to any debate or discussion of the motion. Motions made in writing by a member of the Town Board and provided to the Town Clerk prior to the meeting shall be provided priority in the appropriate order of business. The Town Chairperson may, if felt necessary, restate the motion prior to any debate and discussion. Any member of the Town Board, prior to a vote on the motion, may request that the motion and any amendments adopted

to the motion be reduced to writing and submitted in writing to the members of the Town Board prior to the final vote on the matter.

- (b) **Change of Vote.** No member of the Town Board may change his or her vote on any action item, business item, motion or question after the final result has been announced.
- (c) **Motions With Preference.** During any meeting of the Town Board certain motions will have preference. In order of precedence they are:
  - (1) **Motion to Adjourn.** This motion can be made at any time and has first precedence.
  - (2) **Motion to Lay on the Table.** This motion may be made when the subject matter appropriate for tabling is to be debated or discussed. This motion is a non-debatable motion.
  - (3) **Motion to Call Previous Question.** This motion may be made at any time after the debate or discussion commences related to an action item, business item, motion or question that is properly \_\_\_\_\_ before the Town Board. This motion is a non-debatable motion. This motion, if adopted, ends the debate and discussion at the meeting on the action item, business item, motion or question. The motion, if adopted, brings the Town Board to a direct vote with the first vote on any amendments, if any, and then to the main action item, business item, motion or question.
  - (4) **Motion to Postpone to a Date Certain.** This motion may be made at any time after the debate and discussion commences on an action item, business item, motion or question that is properly \_\_\_\_\_ before the Town Board. This motion is debatable. This motion, if adopted, ends the debate and discussion at the meeting on the action item, business item, motion or question. This motion must establish a date and time certain when the debate and discussion before the Town Board will continue. The date and time established must be on a date and time for a regularly scheduled or special meeting of the Town Board.
  - (5) **Motion to a Committee.** This motion may be made at any time after the debate and discussion commences on an action item, business item, motion or question that is properly \_\_\_\_\_ before the Town Board. The motion is debatable. This motion, if adopted, ends the debate and discussion at the meeting on the action item, business item, motion or question. This motion, if adopted, forwards the action item, business item, motion or question to a committee for further review and discussion. The committee must be a committee of the Town Board.
  - (6) **Motion to Amend or Divide the Question.** This motion may be made at any time after debate and discussion commences on the action item, business item, motion or question properly \_\_\_\_\_ before the Town Board. The motion is debatable. This motion, if adopted, divides the main action item, main business item, main motion or main question pursuant to the method described and adopted in the motion to divide.
  - (7) **Motion to Postpone Indefinitely.** This motion may be made at any time after debate and discussion commences on the action item, business item, motion or question properly \_\_\_\_\_ before the Town Board.

This motion is debatable. This motion, if adopted, ends the debate and discussion at the meeting on the action item, business item, motion or question.

- (8) ***Motion to Introduce a Matter Related to the Action Item, Business Item, Motion or Question.*** This motion may be made at any time after the debate and discussion commences on the action item, business item, motion or question properly \_\_\_\_\_ before the Town Board. This motion is debatable. This motion, if adopted, expands or adds to the debate and discussion new items related to the main action item, main business item, main motion or main question pursuant to the method described and approved in the motion to introduce a matter related.
- (d) **Public Directory Votes.** No member of the Town Board shall request, at a meeting of the Town Board, a non-advisory vote from the general public unless the proposed vote of the general public is so noted by the Town Chair or the presiding officer of the meeting as strictly an advisory vote to the Board. Any vote taken by the general public at a meeting of the Town Board shall be considered by this Board only as an advisory vote and shall not be considered as a directory vote. Directory votes to require certain actions to be taken by the Town Board may occur at an annual or special Town meeting.

### **Sec. 2-3-16 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. 2-3-17 Publication or Posting of Ordinances and Resolutions.**

- (a) **General Requirement.**
- (1) 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:
- a. Resolutions, motions and other actions adopted by the Town meeting, or in the exercise of powers, under §60.10, Wis. Stats.
  - b. Ordinances adopted by the Town Board.
  - c. Resolutions of general application adopted by the Town Board and having the effect of law.
- (2) All ordinances and bylaws shall be signed by the Town Board and countersigned by the Clerk; and, if any penalty or forfeiture is thereby imposed, shall be published as a Class 1 notice, under Ch. 985, Wis. Stats., and shall take effect on the day after its publication or a later date if expressly prescribed. If there is no newspaper publication in the Town, the Town Board may in lieu of newspaper publication have copies of ordinances and bylaws posted in at least three (3) public places in the

Town and proof thereof filed and recorded by the Town Clerk, and the same shall take effect the day after the proof of posting has been filed and recorded, or at a later date if expressly provided in the ordinance or bylaw.

- (b) **Requirement for Forfeitures.** If an ordinance imposes 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 Clerk shall sign an affidavit attesting that the time 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:** §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 ordinance 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.