

**VILLAGE OF WHITING
ORDINANCE AMENDMENT 2025-03**

**AN ORDINANCE AMENDING MUNICIPAL CODE CHAPTERS 1-5:
GOVERNMENT AND ADMINISTRATION
AND
NEW CHAPTERS 33-34:**

**THE VILLAGE BOARD OF THE VILLAGE OF WHITING DOES ORDAIN AS
FOLLOWS:**

SECTION 1: Chapters 1-5 and Chapters 33-34. See attached.

SECTION 2: This Ordinance shall be in effect following adoption.

**PASSED AND ADOPTED BY THE VILLAGE BOARD OF THE VILLAGE OF
WHITING ON THIS 8th DAY OF APRIL, 2025.**

THE VILLAGE OF WHITING

By:



Dean Curtis, President

ATTEST:

BY: Annette Stashek

Annette Stashek, Clerk

CHAPTER 1

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CONSTRUCTION AND EFFECTS

Sec. 1.01 Title, Effective Date, And Citation

These ordinances shall be known as the Village of Whiting Municipal Code and shall take effect from and after passage and publication as provided by law. All references thereto shall be cited by section number, such as Section 1.01, Village of Whiting Municipal Code.

These ordinances shall take effect from and after passage and publication as provided in §66.0103 Wis. Stats. All Ordinances passed by the Village Board subsequent to the adoption of the Municipal Code, except when otherwise specifically provided, shall take effect from and after their publication.

Sec. 1.02 Principles of Construction

1. In the construction of this Municipal Code, the following rules shall be observed unless such construction would be inconsistent with the manifest intent of the ordinance:
 - Acts of agents. When a provision requires an act to be done which may by law as well be done by an agent, as by the principal, such requirement shall be construed to include all such acts when done by an authorized agent.
 - General rule. All words and phrases shall be construed according to their plain meaning in common usage. However, words or phrases with a technical or special meaning shall be understood and construed according to that technical or special meaning if such is the intent of the Ordinances.
 - Gender, singular and plural. Every word in this Code and in any ordinance imparting the masculine gender may extend and be applied to females as well as males, and every word imparting the singular number only may extend and be applied to several persons or things as well as to one person or thing; provided these rules of construction shall not be applied to any provision which contains any express language excluding such construction or when the subject matter or context of such provision may be repugnant thereto.
 - Repeal. When any ordinance having the effect of repealing a prior ordinance is itself repealed, such repeal shall not be construed to revive the prior ordinance or any part thereof, unless expressly so provided.
 - Singular and plural. Every word in these Ordinances referring to the singular number only shall also be construed to apply to several persons or things, and every word in these Ordinances referred to a plural number shall also be construed to apply to one (1) person or thing.
 - Tense. The use of any verb in the present tense shall not preclude the interpretation of the verb in the future tense where appropriate.
2. Terms
 - a. Person. The term "person" extends and applies to natural persons, firms, corporations, associations, partnerships or other bodies politic and to all entities capable of being sued, unless plainly inapplicable.
 - b. Code. The term "code", Municipal Code, or municipal code shall all mean the Municipal Code of the Village of Whiting.
 - c. Fine. The term "fine" shall be the equivalent of the word "forfeiture," and vice versa.
 - d. Joint authority. All words purporting to give a joint authority to three or more Village officers shall be construed as giving such authority to a majority of such officers or other persons.
 - e. Law. The term "law" or "by law" shall refer to any legally promulgated federal statute, federal regulation, state statute, state administrative code, county ordinance, or local ordinance.
 - f. Person. The word "person" shall mean any of the following entities: natural persons, corporations, partnerships, associations, bodies politic or any other entity of any kind which is capable of being sued.
 - g. Wisconsin Statutes. The term "Wisconsin Statutes" and its abbreviation as "Wis. Stats." shall mean, in these Ordinances, the Wisconsin Statutes for the year 2007-2008, as amended or renumbered from time to time.
 - h. Wisconsin Administrative Code. The term "Wisconsin Administrative Code" and "Administrative Code" shall mean the current Wisconsin Administrative Code as of the adoption of this Code, as amended or renumbered from time to time.
 - i. Officer. An officer shall be a Village President, Clerk-Treasurer, Attorney, Assessor, Trustee, and appointed citizen members of municipally-created committees, boards, and commissions.

Sec. 1.03 Conflict of Provisions

1. If the provisions of different chapters conflict with each other, the provisions of each individual chapter shall control all issues arising out of the events and persons intended to be governed by that chapter.
2. If the provisions of different sections of the same chapter conflict with each other, the provision which is more specific in its application to the events or persons raising the conflict shall control over the more general provision.

Sec. 1.04 Separability of Provisions

1. If any provisions of this Municipal Code or the application thereof to any person or circumstances are held invalid or unconstitutional by reason of any decision of any court of competent jurisdiction, the remainder of the ordinance and the application of such provisions to other persons or circumstances shall not be affected thereby.
2. The provisions of this ordinance shall be deemed severable and it is expressly declared that the Whiting Village Board would have passed the other provisions of this ordinance irrespective of whether or not one or more provisions may be declared invalid.

Sec. 1.05 Clerk-Treasurer to Maintain Copies of Documents

Whenever any standard code, rule, regulation, statute or other written or printed matter is adopted by reference, it shall be deemed incorporated in this Code as if fully set forth herein and the Village Clerk-Treasurer shall maintain in his office a copy of any such material as adopted and as amended from time to time. Materials on file at the Village Clerk-Treasurer's office shall be considered public records open to reasonable examination by any person during the office hours of the Village Clerk-Treasurer subject to such restrictions on examination as the Clerk-Treasurer imposes for the preservation of the material.

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CHAPTER 2

ENFORCEMENT AND PENALTIES

Sec. 2.01 Use of Citations

1. Pursuant to the authority granted under Chapter 66.119 of the Wisconsin Statutes, the use of a citation outlined in this chapter may be issued for violations of this Municipal Code of the Village of Whiting.
2. Authorized Officials. Citations under this chapter may be issued by any of the following:
 - a. Any law enforcement officer exercising lawful authority within the Village of Whiting to enforce this Municipal Code.
 - b. Any peace officer designated by the Village Board to enforce this Municipal Code.
 - c. Village President.
 - d. Village President Pro-Tem
 - e. Village Clerk-Treasurer
 - f. Village Director of Public Works and Utilities
 - g. The following officials exercising jurisdiction over areas directly related to their official responsibilities:
 - 1) Building Inspector
 - 2) Fire Chief
 - 3) Fire Marshal
 - 4) Humane Officers
 - 5) Those persons whose authority to issue citations has been delegated by the appropriate official listed above, so long as such authority is granted in writing and notice is provided to the Village Board, and so long as such authority has not been rescinded by the Village Board.
3. Additionally, the Village has the specific authority to engage a server for delivery of citations at the sole discretion of the Village President, Village Clerk-Treasurer, or Village Attorney.

Sec. 2.02 Form of Citation

Notwithstanding other provisions of this chapter, citations issued for violations of this Municipal Code shall conform to the requirements of Chapter 66.0113 of the Wisconsin Statutes. A citation shall be provided to the recipient in writing, and signed by the official granted authority to issue such notices. See Chapter 33, Section 33.02 for an example of the Village of Whiting Notice of Citation.

Sec. 2.03 Designated Law Enforcement Agency

1. Other provisions of this ordinance notwithstanding, the Portage County Sheriff's Department has been designated as the law enforcement agency authorized to enforce, and to issue citations under, the ordinances of the Village.
2. Nothing in this section is to be construed as to limit the authority of any other lawful officer or agent of the Village to take appropriate and lawful enforcement sanction as otherwise provided for in this Municipal Code or by law.

Sec. 2.04 Penalties

1. A consolidated schedule of cash deposits for violations of this ordinance shall be established by the Village Board and maintained by the Village Clerk. The schedule shall include any established forfeiture, plus all legal applicable fees, costs, and assessments authorized under the Wisconsin Statutes. The Village Clerk shall be authorized to make such technical adjustments to this schedule that may be required by law without approval of the Village Board so long as such changes are noticed to the Village Board. All current schedules of cash deposit that may be in this ordinance are hereby repealed and shall be incorporated under this consolidated schedule of cash deposits.
2. Standardized Forfeiture – First Offense. See Chapter 34, Section 34.02 Paragraph 1 for current first offense forfeiture amount.
3. Standardized Forfeiture – Second Offense. See Chapter 34, Section 34.02, Paragraph 2 for current second offense forfeiture amount.
4. Continued Violations. Each violation and each day a violation continues or occurs shall constitute a separate offense. Nothing in this Code shall preclude the Village from maintaining any appropriate action to prevent or remove a violation of any provision of this Code.

5. Other Remedies. The Village shall have any and all other remedies afforded by the Wisconsin Statutes in addition to the forfeitures and costs of prosecution above.

Sec. 2.05 Receipts of Cash Deposits

The Portage County Clerk of this Circuit Court, or any authorized representative, shall be empowered to receive cash deposits for violations of this Municipal Code and issue receipts, therefore. The Village Clerk shall be authorized to receive assessments made pursuant to this chapter, and issue receipts, therefore.

Sec. 2.06 Procedure

The following procedures shall be utilized in connection with this chapter:

1. The Wisconsin Statutes shall be adopted and incorporated herein by reference, relating to the violator's options and procedures upon default.
2. The official issuing a citation may optionally allow for the payment of an assessment in lieu of a citation being forwarded to the County Clerk of Courts, by so indication on the citation form issued. The citation shall indicate that the assessment must be received by the Village Clerk within seven calendar days, and such payment shall negate any further action under the Wisconsin Statutes. Failure to pay such an assessment shall result in the commencement of forfeiture action under the statutes. The amount of the optional assessment shall be equal to the forfeiture amount specified in this section of the Municipal Code, with any of the specified fees, additional assessments, or other costs normally added.

Sec. 2.07 Nonexclusivity of Chapter

1. Application of this chapter does not preclude the Village Board from adopting any other ordinance providing for the enforcement of any other law or ordinance relating to the same or other matters.
2. The issuance of a citation under this chapter shall not preclude the Village or any authorized officer from proceeding under any other ordinance or law, or by any enforcement method to enforce any ordinance, resolution or order.
3. In lieu of a procedure set forth in this chapter, an action for recovery of forfeitures resulting from violations of Village ordinances may be commenced according to the procedures set forth in Chapter 778 of the Wisconsin statutes.

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GOVERNMENT AND ADMINISTRATION

Sec. 3.01 Village Government

The Village of Whiting is a body corporate and politic with the powers of a municipality at common law and governed by the provisions of Chapters 61 and 66 of the Wisconsin Statutes, laws amending those chapters, other acts of the legislature and the constitution of the State of Wisconsin.

Sec. 3.02 Official Newspaper

The official newspaper of the Village of Whiting shall be the Stevens Point Journal.

Sec. 3.03 Election Poll Hours

The voting polls in the Village of Whiting, Portage County, Wisconsin shall be opened from 7:00 a.m. to 8:00 p.m. for all elections.

Sec. 3.04 Village Board

The Trustees and the President of the Village of Whiting shall constitute the Village Board. The Village Board shall be vested with all the powers of the Village not specifically given other Village Officials, as well as those powers set forth elsewhere throughout this Code.

Sec. 3.05 Trustees

1. The Village of Whiting shall have six Trustees in addition to the President, who is a Trustee by virtue of his or her office as President. The six Trustees and the President shall constitute the Village Board.
2. Three Trustees shall be elected at each annual spring election for the term of two years, commencing on the third Tuesday of April in the year of their election.
3. A Village Trustee shall be eligible for nomination and election by a majority of Trustees as Village President to fill an unexpired term.

Sec. 3.06 Village President

1. The Village President shall be elected at the annual spring election in odd-numbered years for a term of two years, commencing on the third Tuesday of April in the year of his or her election.
2. The Village President shall by virtue of his office be a Trustee and preside at all meetings of the Board and sign all ordinances, rules, bylaws, regulations and commissions adopted or authorized by the Board and all orders drawn on the treasury. He shall maintain peace and good order and see that the Village ordinances are faithfully obeyed, and in case of disturbance, riot or other apparent necessity appoint as many special marshals as he shall deem necessary, who for the time being shall possess all the powers and rights of constables.

Sec. 3.07 General Powers of The Village Board

1. GENERAL. The Village Board shall be vested with all the powers of the Village not specifically given other Village Officials. Except as otherwise provided by law, the Village Board shall have the management and control of the Village property, finances, highways, streets, navigable waters and the public service, and shall have the power to act for the government and good order of the Village, for its commercial benefit and for the health, safety, welfare and convenience of the public, and may carry its powers into effect by license, regulation, suppression, borrowing, taxation, special assessment, appropriation, fine, imprisonment and other necessary or convenient means. The powers hereby conferred shall be in addition to all other grants and shall be limited only by express language.
2. ACQUISITION AND DISPOSAL OF PROPERTY. The Village Board may acquire property, real or personal, within or without the Village, for parks, libraries, historic places, recreation, beautification, streets, waterworks, sewage or waste disposal, harbors, improvement of watercourses, public grounds, vehicle parking areas and for any other public purpose; may acquire real property within or contiguous to the Village, by means other than condemnation, for industrial sites; may improve and beautify the same; may construct, own, lease and maintain buildings on such property for instruction, recreation, amusement and other public purposes; and may sell and convey such property. Condemnation shall be as provided by the Wisconsin Statutes.

3. **ACQUISITION OF EASEMENTS AND PROPERTY RIGHTS.** Confirming all powers granted to the Village Board and in furtherance thereof, the Board is expressly authorized to acquire by gift, purchase or condemnation under the Wisconsin Statutes, any and all property rights in lands or waters, including rights of access and use, negative or positive easements, restrictive covenants, covenants running with land, scenic easements and any rights for use of property of any nature whatsoever, however denominated, which may be lawfully acquired for the benefit of the public or for any public purpose, including the exercise of powers granted under Sections 61.35 and 62.23, Wis. Stats.; and may sell and convey such easements or property rights when no longer needed for public use or protection.
4. **VILLAGE FINANCES.** The Village Board may levy and provide for the collection of taxes and special assessments; may refund any tax or special assessment paid, or any part thereof, when satisfied that the same was unjust or illegal; and generally, may manage the Village finances.
5. **CONSTRUCTION OF POWERS.** Consistent with the purpose of giving to the Village the largest measure of self-government in accordance with the spirit of the home rule amendment to the Constitution, the grants of power to the Village Board in this Section and throughout this Municipal Code shall be liberally construed in favor of the rights, powers and privileges of villages to promote the general welfare, peace, good order and prosperity of the Village and its inhabitants.

Sec. 3.08 Cooperation with Other Municipalities

The Village Board, on behalf of the Village, may join with other villages, towns, or cities in a cooperative arrangement for executing any power or duty in order to attain greater economy or efficiency, including joint employment of employees.

Sec. 3.09 Internal Powers of The Board

The Village Board has the power to preserve order at its meetings, compel attendance of Trustees and punish nonattendance. Members of the Village Board shall be residents of the Village at the time of their election and during their terms of office.

Sec. 3.10 Salaries

The President and other Trustees who make up the Village Board, whether operating under general or special law, may by majority vote of all the members of the Village Board determine that an annual salary be paid the President and Trustees. Salaries heretofore established shall so remain until changed by ordinance or resolution and shall not be increased or diminished during their current terms of office.

Sec. 3.11 Meetings

1. **REGULAR MEETINGS.** Regular meetings of the Village Board shall be held on the second Tuesday of each calendar month at 6:00 p.m. local time, or at such other times as the Board may direct. Any regular meeting falling on a legal holiday shall be held on a day selected by a majority of the Board at a previous meeting. All meetings of the Board shall be held at the Village of Whiting Municipal Building, unless specified otherwise in the minutes of the preceding meeting or by written notice posted at the regular meeting place at least two hours prior to any meeting. In any event, all Board meetings shall be held within the boundaries of the Village of Whiting.
2. **ANNUAL ORGANIZATIONAL MEETING.** The Village Board shall hold an annual meeting on the third Tuesday of April for the purpose of organization.
3. **SPECIAL MEETINGS.**
 - a. Special meetings of the Board may be called by the Village President or by two Trustees by filing a written request with the Clerk-Treasurer in person, or by any form of electronic communication, at least twenty-four hours prior to the time specified for such meeting. The Clerk-Treasurer shall immediately notify each Trustee of the time and purpose of such meeting. The notice shall be delivered to each Trustee, personally, electronically or by Village Mailbox.
 - b. The Clerk-Treasurer shall cause an affidavit of such notice to be filed in their office prior to the time fixed for such special meeting. Unless a quorum of Trustees is in attendance, no business shall be transacted at a special meeting. Notice to the public of special meetings shall conform to the open meeting requirements of the Wisconsin Statutes.
4. **OPEN MEETINGS.** All meetings of the Board and committees thereof shall be open to the public, unless falling within a lawful exception of the Wisconsin Open Meetings Law.

5. QUORUM. Four members of the Village Board shall constitute a quorum, but a lesser number may adjourn or compel attendance of absent members if a majority is not present. The President shall be counted in computing a quorum.
6. PRESIDING OFFICERS.
 - a. THE VILLAGE PRESIDENT SHALL PRESIDE. The Village President shall preside over meetings of the Village Board. In case of absence of the Village President, the President Pro Tem shall preside. In the case of absence of the Village President and President Pro Tem, the Village Clerk shall call the meeting to order and the Trustees present shall nominate and elect by majority vote of the Trustees, one of their members as acting President Pro Tem.
 - b. DUTIES. The presiding officer shall preserve order and decorum, decide all questions of order, and conduct the proceedings of the meeting in accordance with the parliamentary rules contained in Robert's Rules of Order, unless otherwise provided by statute or by these rules. Any member shall have the right to appeal from a decision of the presiding officer. Such appeal is not debatable and must be sustained by a majority vote of the members present excluding the presiding officer.
 - c. PARTICIPATION IN DEBATE. The presiding officer may speak upon any question or make any motion without relinquishing the chair.

Sec. 3.12 President Pro Tem

The Village Board at its annual organizational meeting shall nominate and elect by a majority vote of the Trustees, from its members, a President Pro Tem. This President Pro Tem, who in the absences of the Village President, shall preside at meetings of the Board and during the absence or inability of the Village President, shall have the powers and duties of the Village President, except that the President Pro Tem shall not have power to approve an act of the Board which the Village President has disapproved, by filing objections with the Clerk-Treasurer. He shall when so officiating, be considered "Acting President."

Sec. 3.13 Order of Business

1. ORDER OF BUSINESS. At all meetings, at the discretion of the presiding officer, the following order may be observed in conducting the business of the Village Board:
 - a. Call to Order by presiding officer.
 - b. Roll Call. (If a quorum is not present, the meeting shall thereupon adjourn, which may be to a specified date).
 - c. Reading, correcting, and approval of the minutes of the last preceding meeting or meetings.
 - d. Reports from interested persons.
 - e. Reports of committees.
 - f. Unfinished business from previous meetings.
 - g. New business, including the introduction of ordinances and resolutions.
 - h. Reports of Village officers.
 - i. Communications and miscellaneous business.
 - j. Adjournment
2. ORDER TO BE FOLLOWED. No business shall be taken up out of order unless authorized by the Village President or by majority consent of all Trustees and in the absence of any debate whatsoever.

Sec. 3.14 Roll Call Procedure When Quorum Not in Attendance

As soon as the Board shall be called to order, the Clerk-Treasurer shall proceed to call the names of the members in 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, or the presiding officer or, in case of his absence, the Clerk-Treasurer may issue a process to any policeman commanding him forthwith to summon the absentees.

Sec. 3.15 Introduction of Business, Resolutions and Ordinances

1. DISPOSITION OF COMMUNICATIONS.
 - a. Procedure for Introduction and Adoption of Ordinances.
 1. Requests or proposals for new ordinances or ordinance revisions shall be introduced at a regular Village Board meeting.
 2. After discussion, the request shall be referred to the appropriate committee by Board motion for research and possible ordinance preparation.

3. After due study, the committee shall make its recommendations at the next regular meeting unless the Board has granted a longer time.
4. The chairman of the pertinent committee shall notify the Clerk-Treasurer of the committee's proposals so that they can be placed on the meeting agenda.
5. All ordinances shall be in writing. Every ordinance shall have two (2) readings before its passage; and such ordinance shall not have its first and second readings upon the same day, except under suspension of the rules for compelling circumstances requiring prompt action.
- b. Subject and Numbering of Ordinances. Each ordinance shall be related to no more than one 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.
2. NOTICE.
 - a. The Village Board may take action on an ordinance or resolution only if it appears on the written agenda for meeting at which action is requested.
 - b. Resolutions or ordinances will be placed on the agenda for Board action only if they are submitted to the Clerk-Treasurer in written form a minimum of four days prior to the meeting at which action is requested.
3. DISPOSITION OF PETITIONS, COMMUNICATION, ETC. Every petition or other writing of any kind, addressed to the Village Board or to the Clerk-Treasurer or other Village officer for reference to the Village Board, shall be delivered by the Clerk-Treasurer or such other Village officer to the Village President 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 Village Board following the receipt of same. Every such petition, or other writing, and every paper, communication or other proceeding which shall come before the Board for action, may be referred by the Village President or presiding officer to the appropriate committee or commission, unless objected to by some member of the Board.
4. PUBLICATION AND EFFECT OF ORDINANCES. All general ordinances of the Village imposing a forfeiture penalty shall be published in the official paper of the Village once, and shall be immediately recorded, with the affidavit of publication, by the Village Clerk-Treasurer in a book kept for that purpose. A printed copy of such ordinance or regulation in any book, pamphlet or newspaper and published or purporting to be published therein by direction of the Village board shall be prima facie proof of due passage, publication and recording thereof.

Sec. 3.16 Conduct of Deliberations.

1. A roll call shall not be necessary on any questions or motions except as follows:
 - a. When the ayes and nays are requested by any member.
 - b. 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 Village or any fund thereof.
 - c. When required by the state statutes of Wisconsin.
 - d. All aye and nay votes shall be recorded in the official minutes.
2. Except as provided below, the Village Board shall in all other respects determine the rules of its procedure, which shall be governed by Robert's Rules of Order which is hereby incorporated by reference, unless otherwise provided by ordinance or Statute, except when otherwise limited or modified by this Municipal Code:
3. No Trustee shall address the Board until he has been recognized by the presiding officer. He shall thereupon address himself to the Board, confine his remarks to the question under discussion, and avoid all personalities.
4. When two or more members simultaneously seek recognition, the presiding officer shall name the member who is to speak first.
5. No person other than a member shall address the Board except under order of Business, except the citizens may address the Board with the permission of the presiding officer as to matters which are being considered by the Board at the time.

Sec. 3.17 Reconsideration of Questions

When a question has been once decided, any member of the majority, or in case of a tie, any member voting in the affirmative, may move a reconsideration thereof; but if a motion to reconsider be made on a day subsequent to that on which the ordinance question was decided, a vote of the majority of the entire Board shall be required to sustain it.

Sec. 3.18 Disturbances and Disorderly Conduct

Whenever any disturbance or disorderly conduct shall occur in any of the meetings of the Board, the President may cause the room to be cleared of all persons guilty of such disorderly conduct except the Trustees.

Sec. 3.19 Amendment of Rules

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

Sec. 3.20 Suspension of Rules

The rules of this Chapter shall not be suspended except by a two-thirds vote of all the members of the Board.

Sec. 3.21 Disposal of Surplus Village Property

1. DEFINITIONS.

- a. "Surplus Village Property" is that property which is owned by the Village of Whiting, Wisconsin, and which has no further usefulness to the Village of Whiting. An item or property shall be considered to have no further usefulness when:
 1. The item or its function has been totally replaced by other Village property and no probable future function exists for it; or
 2. The Village no longer performs the service for which the item was purchased, and no other service can reasonably be provided by the item; or
 3. The item is no longer able to reliably or economically perform the work required of it.
- b. Surplus property as defined in this Chapter shall not include land or buildings but shall include fixtures and such salvages as may be taken from a building without structural damage when such fixtures and salvage are not part of a demolition contract. Surplus Village property shall not include items of property which are traded in for newer items.

2. DETERMINATION OF SURPLUS VILLAGE PROPERTY.

- a. Whenever the fair market value of the item is Five Hundred (\$500.00 Dollars or less, the Village President in conjunction with the Clerk-Treasurer or Director of Public Works and Utilities, shall determine whether the item(s) is surplus Village Property.
- b. Whenever the fair market value of the item is more than Five Hundred (\$500.00) Dollars, the Village Board shall determine whether the items are surplus Village property.

3. DISPOSITION OF SURPLUS VILLAGE PROPERTY.

- a. When the Village President and Department Head determines that the Village owns surplus property, which is no longer necessary or useful to or for the best interests of the Village, he/she is, subject to the limitations herein set forth, authorized and directed to proceed without further authorization by the Village Board to dispose of such Village Property by sale or any other manner he/she considers most advantageous to the Village. The Authority granted to the Village President shall be limited to the disposition of any single item or any group of items designated by the Village President to be disposed of as a unit with a value estimated by the Village President to not be in excess of Five Hundred (\$500.00) Dollars.
- b. When the Village President is obligated to advertise items of surplus property for disposition to the highest bidder, the following procedures shall be employed:
 1. Public notice of the disposition, including the time, place, terms of disposition, and the schedule of disposition shall be posted in a public place in the Village Hall and on the Village Website. Such notice of intended sale of surplus property shall constitute notice to the general public and anyone who may have interest in purchasing the items of surplus property. When the Village President determines that it is not practicable to advertise the disposition, he/she may dispose of the surplus Village Property in whatever manner he/she considers most advantageous to the Village.
 2. No sale of surplus property by the Village shall take place until public notice required under this Section shall have been posted for seven days, and thereafter, the Village President is authorized to proceed to deliver a bill of sale for any or all of such items.
- c. Whenever the Village Board determines that an item of property is surplus Village property, it shall dispose of such property as it determines.
- d. If the Village is unable to sell its surplus property after solicitation to the public as referred to herein, the Village may donate the property to any not-for-profit corporation, organization, or entity as determined by Section 501 (c) (3) of the Internal Revenue Code, having its principal place of business or doing a substantial amount of business in the Village, or if none can be within the Village, then within Portage County.

- e. In all cases no sale of surplus Village Property shall be made to a person, who is, at the time of such sale, an officer, or employee of the Village or an immediate family member of the officer, or employee. Immediate family member shall include spouses and dependent minor children living with the officer, agent, or employee.
- 4. DETERMINATION OF FAIR MARKET VALUES. Whenever this Chapter requires a determination of the fair market value of an item of property, that determination shall be made by the Village President in conjunction with the Clerk-Treasurer or Director of Public Works and Utilities.
- 5. AUTHORITY TO DISPOSE OF PROPERTY.
 - a. Except for library materials used by the public library for lending purposes only the Village Board may dispose of Village property which is not surplus village property.

CHAPTER 4

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MUNICIPAL OFFICERS AND EMPLOYEES

Sec. 4.01 General Provisions

1. Officers shall have generally the powers and duties prescribed for like officers of towns and villages, except as otherwise provided, and such powers and duties as prescribed by law and except as to the Village President, shall perform such duties as shall be required of him by the Village Board. Officers, whose powers and duties are not enumerated in Chapter 61 of the Wisconsin Statutes, shall have such powers and duties as are prescribed by law for like officers or as are directed by the Village Board.
2. All officers and departments may make the necessary rules for the conduct of their duties and incidental proceedings.
3. The general laws for the punishment of bribery, misdemeanors and corruption in office, shall apply to Village officers.
4. Whenever a Village official in his official capacity proceeded against or obliged to proceed before any Court, Board or Commission, to defend or maintain his official position, or because of some act arising out of his official duties, and he has prevailed in such proceedings, or the Village Board has ordered the proceedings discontinued, the Board may provide for payment to such official such sum as it sees fit, to reimburse him for the expenses reasonably incurred for costs and attorney's fees.

Sec. 4.02 Eligibility for Office

1. No person shall be elected by the people to a Village office, who is not at the time of his election, a citizen of the United States and of this State, and an elector of the Village, and in case of a ward office, of the ward, and actually residing therein.
2. An appointee by the Village President, requiring to be confirmed by the Village Board, who shall be rejected by the Board, shall be ineligible for appointment to the same office for a period of one calendar year.

Sec. 4.03 Oaths of Office

1. REQUIREMENT. Within five days after the election or appointment of any statutory Village officers, the Village Clerk-Treasurer shall notify the person elected or appointed. Every person elected or appointed to the office of Village President, Clerk-Treasurer, or Trustee shall within five days after election or notice thereof, when required, take and file the official oath.
2. FORM, PROCEDURE. The form, filing, and general procedure for the taking of oaths shall be governed by Ch. 19, subchapter I, Wis. Stats.

Sec. 4.04 Vacancies

1. HOW OCCURRING. Except as provided in Subsection (3) below, vacancies in elective positions occur as provided in Sections 17.03 and 17.035, Wis. Stats.
2. HOW FILLED. Vacancies in elective offices shall be filled by appointment by a majority vote of the Village Board for the remainder of the unexpired term. Vacancies in appointive offices shall be filled in the same manner as the original appointment for the residue of the unexpired term unless the term for such office is indefinite.
3. TEMPORARY INCAPACITATION. If any officer be absent or temporarily incapacitated from any cause, the Board may appoint some person to discharge his duties until he returns or until such disability is removed.

Sec. 4.05 Removal from Office

1. ELECTED OFFICIALS. Elected officials may be removed by the Village Board as provided in Sections 17.12(1) (a) and 17.16, Wis. Stats.
2. APPOINTED OFFICIALS. Appointed officials may be removed as provided in Section 17.12(1) (c) and 17.16, Wis. Stats.

Sec. 4.06 Custody of Official Property

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

Sec. 4.07 Official Bonds: Officers Not to Be Sureties.

Every bond required of a Village officer shall be executed with sufficient sureties in a sum fixed by the Village Board when not otherwise prescribed and be approved by the Village President.

Sec. 4.08 Village Clerk-Treasurer

1. DECLARATION OF EXEMPTION FROM CERTAIN STATUTES. Pursuant to Sections 61.195, 61.197 and 66.0101(4) of the Wisconsin Statutes, the Village of Whiting elects not to be governed by Section 61.19 and subsection (2) of Section 61.25, Wis. Stats., insofar as they relate to the selection and tenure of the Clerk-Treasurer by election, to the extent that such sections are in conflict with this Chapter.
2. CREATION OF CONSOLIDATED OFFICE. The Village of Whiting hereby elects, pursuant to Sec. 61.195, Wis. Stats., that the offices of Village Clerk and Village Treasurer of the Village of Whiting shall be combined and that the official to perform the duties of such office after its combination and merger shall be selected as herein provided.
3. APPOINTMENT; TERM. The office of Clerk-Treasurer shall be an appointive office. The Clerk-Treasurer shall be appointed by the Village President at the first regular meeting of the Board in May in odd-numbered years, subject to confirmation by a majority vote of the Village Board.
4. DUTIES.
 - a. Such person appointed to perform the duties of the combined offices shall perform all duties required of both offices as provided by law, and such other duties as are requested to be executed by such person by the Village Board from time to time, as well as such other and further duties with reference to the operation of and administration of the water and sewer facilities of the Village.
 - b. In addition to the duties enumerated in Section 61.25 of the Wisconsin Statutes, the Village Clerk-Treasurer shall keep such books as shall be deemed necessary by the Public Service Commission of Wisconsin and the Village Board, for the records of the sewer and water utilities of the Village.
 - c. The Village Clerk-Treasurer shall sign all orders drawn on the Village Treasury.
 - d. After review by the Village President, the Clerk-Treasurer will compile, distribute, and publish all official Village meeting agendas. The Clerk-Treasurer will take minutes for any committee/board meetings she is part of, and receive the minutes taken by committees which have an appointed secretary, then compile, distribute, and publish all minutes.
 - e. As noted in the ordinances on the makeup of committees, the Clerk-Treasurer is a member of the Board of Review and an ex-officio member of the Finance/Budget Committee. The Clerk-Treasurer is to attend and take the minutes for all Plan Commission meetings and all Village Board meetings.

Sec. 4.09 Deputy Clerk-Treasurer

The Village President may appoint, in odd-numbered years, a Deputy Clerk-Treasurer subject to confirmation by a majority vote of the Village Board. The Deputy Clerk-Treasurer shall have a two-year term of office. The Deputy Clerk-Treasurer shall act under the Clerk-Treasurer's direction and who during the temporary absence or disability of the Clerk-Treasurer or during a vacancy in such office shall perform the duties of Clerk-Treasurer. The acts of the Deputy shall be covered by official bond, as the Village Board shall direct.

Sec. 4.10 Village Attorney

1. ELECTION. The office of Village Attorney is an appointed position. The Village President shall appoint a Village Attorney at the first regular meeting of the Board in May in odd-numbered years, subject to confirmation by a majority vote of the Village Board. The Village Attorney's term shall commence on the first day of June succeeding his appointment.
2. The Village Attorney shall have the following duties:
 - a. The Attorney shall conduct all of the law business in which the Village is interested.
 - b. He shall, when requested by Village officers, give written legal opinions, which shall be filed with the Village.
 - c. He shall draft ordinances, bonds and other instruments as may be required by Village officers.
3. The Village Board may employ and compensate special counsel to assist in or take charge of any matter in which the Village is interested.
4. The Village Attorney shall perform such other duties as provided by State law and as designated by the Village Board.

5. Access to the Village Attorney, without prior approval, is limited to the Village President, Village Clerk-Treasurer, and Village Director of Public Works and Utilities. With prior approval by the Village President, Village Trustees and Committee Members may also have access to the services of the Village Attorney regarding Village business.

Sec. 4.11 Building Inspector

1. The office of Village Building Inspector is an appointed position. The Village President shall appoint the Village Building Inspector at the first regular meeting of the Board in May in odd-numbered years, subject to confirmation by a majority vote of the Village Board. The Village Building Inspector's term shall commence on the first day of June succeeding his appointment.
2. The Building Inspector shall issue or cause to be issued all proper permits for applicable work performed within the Village of Whiting, after payment of the fees required. He shall process all applications, make all inspections and have the authority to issue or cause to be issued a certificate of completion.
3. The Village Clerk-Treasurer shall be available to provide information about the permit application process and fees for services related to activities of the Village Building Inspector. The Village's official website provides a section for preparing and submitting online permit applications.
4. In addition, the Village Building Inspector is tasked with determining when violations of Village ordinances related to his area of responsibility have occurred. In the case of such violations, the Building Inspector shall issue a Notice and Order for Correcting Violations, describing the violation(s) to the property owner, occupant, operator, or agent. See Section 34.03 for fees charged for preparation of the Notice and Order for Correcting Violations. In the event corrective action is not taken within 30 days, any subsequent notice made shall result in an additional service charge levied against the property owner. See Section 34.03 for the amount of this charge. In the event the property owner fails to pay any of these fees or service charges within 30 days, the amount still owed shall be assessed as a special charge levied against the property.
5. RIGHT OF ENTRY. The Building Inspector and any authorized Deputy Building Inspector(s) shall have the power to make or cause to be made an entry into any building or premises where the work of altering, repairing, or constructing any building or structure is occurring. This includes, but is not limited to plumbing, HVAC, and electrical work.

Sec. 4.12 Village Assessor

1. The office of Village Assessor is an appointed position. The Village President shall appoint the Village Assessor at the first regular meeting of the Board in May in odd-numbered years, subject to confirmation by a majority vote of the Village Board. The Village Assessor's term shall commence on the first day of June succeeding his appointment.
2. Whenever the Assessor, in the performance of the Assessor's duties, requests or obtains income and expense information pursuant to law, then such income and expense information that is provided to the Assessor shall be held by the Assessor on a confidential basis, except, however, that the information may be revealed to and used:
 - a. By persons in the discharging of duties imposed by law,
 - b. In the discharge of duties imposed by office (including, but not limited to, use by the Assessor in performance of official duties of the Assessor's office and use by the Board of Review in performance of its official duties)
 - c. Pursuant to order of a court.
3. Income and expense information provided to the Assessor's Office under any requirements of law, unless a court determines that it is inaccurate, is not subject to the right of inspection and copying under the Wisconsin open records statute.

CHAPTER 5

COMMITTEES, BOARDS, AND COMMISSIONS

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COMMITTEES, BOARDS, AND COMMISSIONS

Sec. 5.01 General Provisions Regarding Meetings and Public Notice

1. MEETINGS; PUBLIC NOTICE. Every committee, board, and commission created by or existing under the ordinances of the Village shall:
 - a. Fix a date, time and place for its meetings.
 - b. Publish notice in the official Village newspaper in advance of each scheduled meeting of the date, time, and place thereof; and
 - c. Post, at the Village Hall, and on the Village website, an agenda of the matters to be taken up at such meeting.
2. SPECIAL MEETINGS. Nothing in this section shall preclude the calling of a special meeting or with dispensing with the publication of notice or such posting of the agenda, for good cause, but such special meetings shall nonetheless comply in all respects with the provisions of law.
3. MINUTES. The secretary of each committee, board, and commission shall file a copy of the meeting minutes of such committee, board, and commission with the Village Clerk-Treasurer.

Sec. 5.02 Standing Committees

1. COMMITTEE APPOINTMENTS. At the organizational meeting of the Village Board, the Village President shall appoint Trustees to each of the following standing committees:
 - a. Committee on Finance. Three members. All matters pertaining to the financial structure of the Village, as pertains to the annual budget, financial responsibility of all parties and the Village, bond issues and purchases, loans, authorizing payment of Village indebtedness. The Clerk-Treasurer shall be an ex officio member.
 - b. Committee on Public Safety. Three members. All matters pertaining to and maintenance of firefighting equipment, police protection, traffic control and traffic safety signs and devices, animal control, and general protection of persons and property.
 - c. Committee on Public Works and Parks. Three members and two citizen members. All matters pertaining to maintenance or construction of all streets, alleys, sidewalks, curbs, parkways, culvers, drainage, weed control, street signs, maintenance, equipping, and usage of Village parks. All matters pertaining to the compost site operations.
 - d. Committee on Personnel. Three members. All matters pertaining to personnel and employment relations.
 - e. Committee on Municipal Buildings. Two members and the Fire Chief. All matters pertaining to the maintenance and operation of the Village Hall.
 - f. Committee on Ordinances. Three members. Review and recommend Board action regarding proposed legislation and ordinances impacting upon the Village and its residents.
2. PRESIDENT TO DESIGNATE CHAIR. The President shall designate the chair of each standing committee. He shall appoint all special committees and designate the chair of each. All committee appointments except designation of chair shall be subject to confirmation by a majority vote of the Village Board. The Village President shall be an ex officio member of each committee.

Sec. 5.03 Board of Review

1. COMPOSITION. The Board of Review shall consist of the Village President, Clerk-Treasurer, and all Trustees.
2. The Village President shall appoint two alternate members, subject to confirmation by a majority vote of the Village Board, who shall serve in the event a Village of Whiting Board of Review member is removed or unable to serve for any reason.

Sec. 5.04 Utilities Committee

1. WHITING UTILITIES. The systems for maintaining the public water supply and the treatment of sewage from homes and commercial establishments other than industries maintaining private approved wastewater systems shall be under the direction and control of the Whiting Village Board under the name and style of Whiting Utilities. This designation shall be used in references to the utilities, and shall be used on stationery, billings and as identification on equipment.
2. COMPOSITION OF UTILITIES COMMITTEE. A committee on water and sewerage, hereafter called the Utilities Committee, shall advise the Board on the operations of the Utilities. The Committee shall consist of five members as follows: two trustees and three citizens. Citizen members shall be persons of recognized experience and qualifications.
3. APPOINTMENT AND TERM OF OFFICE.

- a. **Trustee Members.** The Trustee members of the Utilities Committee shall be appointed in the same manner as Board Committee assignments made in Section 5.02.2 of this Municipal Code. If a Trustee member leaves the Board for any reason, he shall be replaced on the Committee by the above procedure.
- b. **Citizen Members.** Three citizen members shall be appointed by the Village President, subject to confirmation by a majority vote of the Village Board. Upon creation of the Committee, they will hold office for a period ending one, two, and three years respectively from the succeeding 15th day of May, and thereafter annually during April, one such member shall be appointed for a term of three years.
4. **COMMITTEE MEETINGS.** Meetings shall be held on a set monthly meeting day and time further other meetings shall be held as necessary after legal notifications are given as to time, date, and place of meeting.
5. **ORGANIZATION OF COMMITTEE.** The Village President shall designate a committee chairperson, who shall be a trustee member. The Utilities Committee will choose from among its members a secretary. Minutes of the meetings will be kept and transmitted to the Village Board.
6. **DUTIES AND RESPONSIBILITIES OF THE COMMITTEE.**
 - a. The Utilities Committee shall generally oversee the management and operation of the Village of Whiting sewer and water utilities. The Committee shall have the authority to make rules and regulations for the management of the Utilities as it shall from time to time find necessary for the safe, economical, and efficient operation of the departments.
 - b. Handle all customer complaints and problems that cannot be satisfactorily resolved by the Utility staff.
 - c. Review and recommend to the Village Board the payment of all monthly bills and expenditures necessary to operate the sewer and water utilities.
 - d. Conduct annual performance evaluations of the Utility personnel and forward a report to the Personnel Committee and Village Board regarding any recommendations the Committee may have on performance, fringe benefits, or personnel policies applicable to the Utilities staff.
 - e. Review and make recommendations to the Village board for changes and amendments to the Village's Codified Code regarding Water and Sewer Utility Regulations and Rates, Sewer Use, and Miscellaneous Utilities regulations and policies.
 - f. Review and adopt an annual budget prepared by the Director for the operation of the sewer and water utilities.
7. **ACCOUNTING.** The Village Clerk-Treasurer will have complete charge and control of all books of account, which shall be on forms and in the manner prescribed by the Public Service Commission. Said Clerk-Treasurer will supervise collections for service, payroll, banking procedures, and preparation and submission of such reports as may be required by the Public Service Commission, the Department of Revenue, and the Village Board.
8. **LIMITATIONS.** All matters relating to extensions of service, providing service beyond the Village limits and applications of rates shall be under the control of the Village Board.

Sec. 5.05 Zoning Board of Appeals

1. **ESTABLISHMENTS.** A Zoning Board of Appeals shall be appointed as specified in the Wisconsin Statutes. The Zoning Board of Appeals shall consist of five members, and one alternate member appointed by the Village President subject to confirmation by a majority vote of the Village Board. The Village President shall designate one of the Zoning Board of Appeals members as chairman.
2. **POWERS.** The Zoning Board of Appeals shall have the following powers:
 - a. To hear and decide appeals where it is alleged there is error in any order, requirement decision, or determination made by an administrative official in the enforcement of the Zoning Code or Floodplain Zoning Code.
 - b. To hear and decide special exceptions to the terms of the Village zoning and floodplain zoning regulations upon which the Board of Appeals is required to pass.
 - c. To authorize, upon appeal in specific cases, such variance from the terms of the Village zoning regulations as will not be contrary to the public interest, where owing to special conditions, a literal enforcement will result in practical difficulty or unnecessary hardship, so that the spirit of the zoning code shall be observed, public safety and welfare secured and substantial justice done; provide, however, that no such action shall have the effect of establishing in any district a use or uses not permitted in such district.
 - d. To permit the erection and use of a building or premises in any location subject to appropriate conditions and safeguards in harmony with the general purposes of the zoning code, for such purposes which are reasonably necessary for public convenience and welfare.
 - e. The Zoning Board of Appeals may reverse or affirm wholly or in part or may modify any order, requirement, decision or determination as in its opinion ought to be made in the premises. The concurring vote of four members of the Zoning Board of Appeals shall be necessary to reverse any order, requirement, decision, or

determination appealed from or to decide in favor of the applicant on any matter on which it is required to pass, or to affect any variation in the requirement of the Zoning Code. The grounds of every such determination shall be stated and recorded. No order of the Zoning Board of Appeals granting a variance shall be valid for a period longer than six months from the date of such order unless the land use permit is obtained within such period and the erection of alteration of a building is started or the use is commenced within such period.

3. MEETING AND RULES. All meetings of the Board shall be called by the chairman and at such other times as the Board may determine. All hearings conducted by the said Board shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examination and other official actions, all of which shall be immediately filed in the office of the Clerk-Treasurer and shall be public record. The Board shall adopt its own rules of procedure not in conflict with this Section or with the applicable Wisconsin Statutes.
4. APPROPRIATIONS. The Village Board shall appropriate funds to carry out the duties of the Board and the Board shall have the authority to expend, under regular procedure, all sums appropriated to it for the purpose and activities authorized herein.
5. FEES. The Zoning Board of Appeals applicant shall pay a fee, plus the cost of the legal notice publication, at the time of filing the application. See Chapter 34 Section 34.04.1 for current fee and cost information.

Sec. 5.06 Plan Commission

1. COMPOSITION. The Village Plan Commission shall consist of the Village President, one Trustee, and five citizens.
2. APPOINTMENT.
 - a. Trustee Member. The Trustee member shall be nominated by the Village Board and elected annually by a two-thirds vote of the Village Board at the organizational meeting of the Village Board during the month of April of each year.
 - b. Citizen Members. The five citizen members of the Commission shall be appointed by the Village President, subject to confirmation by a majority vote of the Village Board. The original citizen members shall be appointed upon creation of the Commission and shall hold office for a period of three years, respectively, for the succeeding first day of May and thereafter annually during the month of April such members shall be appointed for a term of three years on a staggered term basis.
3. RECORD. The Plan Commission shall keep a written record of its proceedings to include all actions taken, a copy of which shall be filed with the Village Clerk-Treasurer. Four members shall constitute a quorum, but all actions shall require the affirmative approval of a majority of all the members of the Commission. In order to have a hearing of the Plan Commission, application should be made to the Village Clerk. The cost for the hearing includes a fee, plus applicable legal notice publication expenses, payable when application is made. See Chapter 34 Section 34.05.1 for current fee and cost information.
4. DUTIES.
 - a. The Master Plan.
 1. The Plan Commission shall make, adopt and, as necessary, amend, extend or add to the master plan, subject to Village Board confirmation, for the physical development of the Village including areas outside of its boundaries which, in the Plan Commission's judgment, bear relation to the development of the Village. The master plan, with the accompanying maps, plats and descriptive and explanatory matter, shall show the Commission's recommendations for such physical development, and may include, among other things without limitation because of enumeration, the general location, character and extent of streets, highways, freeways, street grades, roadways, walks, parking areas, public places and areas, parks, parkways, playgrounds, sites for public buildings and structures, and the general location and extent of sewers, water conduits and other public utilities whether privately or publicly owned, the acceptance, widening, narrowing, extension, relocation, removal, vacation, abandonment or change of use of any of the foregoing public ways, grounds, places, spaces, buildings, properties, utilities, routes or terminals, the general location, character and extent of community centers and neighborhood units, and a comprehensive zoning plan.
 2. The Commission may adopt the master plan as a whole by a single resolution or, as the work or making the whole master plan progresses, may from time to time by resolution adopt a part or parts thereof, any such part to correspond generally with one or more of the functional subdivisions of the subject matter of the plan. The adoption of the plan or any part, amendment or addition, shall be by resolution carried by

the affirmative votes of not less than a majority of all the members of the Plan Commission, subject to confirmation by a majority vote of the Village Board. The resolution shall refer expressly to the maps, descriptive matter, and other matters intended by the Commission to form the whole or any part of the plan, and the action taken shall be recorded on the adopted plan or part thereof by the identifying signature of the secretary of the Commission, and a copy of the plan or part thereof shall be provided to the Village Board. The purpose and effect of the adoption and certifying of the master plan or part thereof shall be solely to aid the Plan Commission and the Village Board in the performance of their duties.

3. Matters referred to Plan Commission. The Village Board or officer of the Village having final authority thereon, shall refer to the Plan Commission, for its consideration and report before final action is taken by the Board, public body or officer, the following matters: the location of any statue or other memorial; the location, acceptance, extension, alteration, vacation, abandonment, change of use, sale, acquisition of land for or lease of land for any street, alley or other public ways, park, playground, airport, area for parking vehicles, or other memorial or public grounds; the location, extension, abandonment or authorization for any public utility whether publicly or privately owned; all plats of lands in the Village or within the territory over which the Village is given platting jurisdiction by the Wisconsin statutes; the location, character and extent or acquisition, leasing or sale of lands for public or semi-public housing, slum clearance, relief of congestion, or vacation camps for children; and the amendment or repeal of any land use ordinance. Unless such report from the Commission is made within 30 days, or such longer period as may be stipulated by the Village Board, the board or other public body or officer, may take final action without it.
- b. Miscellaneous Powers. The Commission may make reports and recommendations relating to the plan and development of the Village to public officials and agencies, public utility companies, civic, educational, professional and other organizations and citizens. It may recommend to the Village Board, programs for public improvements and the financing thereof. All public officials shall, upon request, furnish to the Commission, within a reasonable time, such available information as it may require for its work. The Commission, its members and employees, in the performance of its functions, may enter upon any land, make examinations and surveys, and place and maintain necessary monuments and markers thereon. In general, the Commission shall have such powers as may be necessary to enable it to perform its functions and promote municipal planning in cooperation with the Village Board.
- c. Building Permits in Multiple-Family Districts, Commercial Districts, and Industrial Districts Only. The Village President shall perform a final review of such building permit requests before permit issuance by the Building Inspector.

CHAPTER 33

EXHIBITS, ILLUSTRATIONS, and ADDENDUMS

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Sec. 33.01 Intentionally Blank

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Sec. 33.02 Example of the Village of Whiting Notice of Citation Form To be considered a part of Chapter 2, Section 2.02.

1) Citation Form PDF Inserted Below

Village of Whiting
3600 Water Street
Stevens Point, Wisconsin 54481-5866
715-341-2742

NOTICE OF WHITING ORDINANCE VIOLATION

Date: _____ Time: _____ Ordinance Violated: _____
Section and Paragraph

Issued to: _____
Name
Street Address
Village, Town or City Zip Code

Phone Number, if Available: _____

Issued by: _____
Name Village Government Title

Brief Summary of Violation: _____

Response Required for Compliance: _____

Official Action Taken by the Village of Whiting this Date and Time:

☐ Verbal Warning ☐ Written Warning ☐ \$50 Standardized Forfeiture (fine)-First Offense*
☐ \$100 Standardized Forfeiture (fine)-Second Offense* ☐ Referred to Village Attorney for
Possible Further Legal Action*

Standardized forfeitures can be remitted to the Village Clerk at the Village of Whiting Municipal Building,
3600 Water Street, Stevens Point, WI 54481-5866.

Delivery Method: ☐ In person ☐ Left on property entrance door ☐ By phone call
☐ Regular mail ☐ Certified mail

*See Whiting Ordinances 2.04, 2.05, 2.06, 2.07, 33.02, and 34.02 for more complete information about these penalties or a referral for further legal action, including possible additional legal costs, fees and assessments that can be charged.

CHAPTER 34

FEES and FORFEITURES

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Sec. 34.01 Intentionally Blank

- 1) Intentionally Blank

Sec. 34.02 Standardized Forfeiture for Violation of Municipal Code from Chapter 2, Section 2.04

- 1) To be considered a part of Chapter 2, Section 2.04.2. Standardized Forfeiture – First Offense. Should a violation of this Municipal Code be committed, the violator shall forfeit a standardized amount of \$50, plus all legal costs, fees, and assessments added. In default of payment of such forfeiture and costs of prosecution, the violator may be imprisoned in the County Jail until such forfeiture and costs are paid, such imprisonment not to exceed ninety days.
- 2) To be considered a part of Chapter 2, Section 2.04.3. Standardized Forfeiture – Second Offense. Should a violation of this Municipal Code be committed, the violator shall forfeit a standardized amount of \$100, plus all legal costs, fees, and assessments added. In default of payment of such forfeiture and costs of prosecution, the violator shall be imprisoned in the County Jail until such forfeiture and costs are paid, such imprisonment not to exceed six months.

Sec. 34.03 Building Inspection Fees for Violation from Chapter 4, Section 4.11.4

- 1) To be considered a part of Chapter 4, Section 4.11.4. Fees charged for preparation of the Notice and Order for Correcting Violations shall be \$50.00.
- 2) To be considered a part of Chapter 4, Section 4.11.4. Service Charge for any subsequent notice made shall be \$250.00.

Sec. 34.04 Zoning Board of Appeals Fees from Chapter 5, Section 5.05.5

- 1) To be considered a part of Chapter 5, Section 5.05.5. Fees charged for application to the Zoning Board of Appeals shall be \$100.00 plus the cost of legal publication.

Sec. 34.05 Plan Commission Fees from Chapter 5, Section 5.06

- 1) To be considered a part of Chapter 5, Section 5.06.3. Fees charged to appear at and be on the agenda of the Plan Commission shall be \$75.00 plus the cost of legal publication.