



Village of Nelsonville
Portage County, Wisconsin
Ordinance # 2019-03-12-1

An ordinance defining village structure.

Chapter 2019-03-12-1 Village Board

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§ 2019-03-1 Village government.

The Village of Nelsonville is a body corporate and politic with the powers of a municipality at common law and governed by the provisions of Chs. 61 and 66, Wis. Stats., laws amending those chapters, other acts of the legislature and the Constitution of the State of Wisconsin. The trustees of the Village of Nelsonville shall constitute the village board. The village board shall be vested with all the powers of the village not specifically given some other officer, as well as those powers set forth elsewhere throughout this Code.

§ 2019-03-2 Trustees.

A. Election; term; number. The Village of Nelsonville shall have two trustees in addition to the president, who is a trustee by virtue of his/her office as president. The two trustees shall constitute the village board. One trustee shall be elected at each annual spring election for a term of two years, commencing on the third Tuesday of April in the year of their election.

B. Appointment as president. A village trustee shall be eligible for appointment as village president to fill an unexpired term.

§ 2019-03-3 Village President.

A. Election. 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/her election.

B. Duties. The village president shall by virtue of his/her office be a trustee and preside at all meetings of the board, have a vote as trustee, and sign all ordinances, rules, bylaws, regulations and commissions adopted or authorized by the board and all orders drawn on the treasury. The village president shall maintain peace and good order, 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/she shall deem necessary, who for the time being shall possess all the powers and rights of constables.

C. Participation in debate. The village president shall vote on all matters in the same way that other trustees vote. The president has the power to make motions, and to introduce ordinances, resolutions and the like as any other trustee.

D. Appointments.

(1) Wherever in this Code the village president is required to appoint citizens to committees, commissions and/or boards, in the event the village board rejects a village president's appointment, the same name may not be submitted for the same job for a period of 12 months after the refusal of such appointment.

(2) In the event a vacancy occurs in any committee, board or commission requiring the appointment of a citizen member and the village president does not nominate a successor thereof for a period of 60 days after the vacancy occurs, the village board may then nominate an appointee to such position, subject to the approval of the village president.

(3) In the event the village board, by parliamentary practice, tables an appointment by the village president, such tabling action shall be effective for that meeting, but at the next regular meeting of the village board, such appointment shall be on the meeting agenda for further consideration, and the particular appointment involved may not be tabled a second time.

§ 2019-03-4 Standing committees.

A. Committee appointments. At the first special or the first regular board meeting following the third Tuesday in April, the village president shall nominate trustees and citizens to all committees, subject to confirmation by majority vote of the board.

B. Appointment of chairpersons. The village president shall appoint all special committees and designate the chairperson of each. All committee appointments except designation of chairperson shall be subject to confirmation by a majority vote of the village board.

C. Committee of the whole; special committees.

(1) The village president shall be an ex officio member of each standing committee, or may be appointed to serve as a member of a specific committee.

(2) The village president may declare the entire board a committee of the whole for informal discussion at any meeting or for any other purpose, and shall ex officio be chairperson of the same.

(3) The village president may, from time to time, appoint such special committee or committees as he/she deems advisable or as provided for by motion or resolution by the board stating the number of members and object thereof to perform such duties as may be assigned to them.

D. Committee reports.

(1) All committees are subunits of the village board and perform no executive or administrative village function other than as specifically authorized by ordinance or policy adopted by the village board.

(2) Each committee shall give the full board at the next regular board meeting a verbal or written report on all matters referred to it. Such report shall recommend a definite action on each item and shall be approved by a majority of the committee. Each committee report shall include the date, time, and place of the meeting and the members attending. Each such committee report, verbal or written, is deemed to be the product of the entire committee, whether any item therein is approved unanimously or not. Each such report should provide all necessary historical background to familiarize the board with the issue.

(3) If a committee member in a particular committee disagrees with the position taken by the committee on an issue, such member may address the board with the minority position. The board shall permit one committee member supporting the majority position equal time to address the board on such issue.

E. Ambiguity of committee authority. In case of ambiguity or apparent conflict between the preceding definition of committee authority and a definition, in these ordinances, of the authority of a village officer, employee, board, or association, the latter shall prevail.

F. Cooperation of village officers. All village officers shall, upon request of the chairperson of any committee, confer with the committee and supply such information as the committee may request upon any pending matter. A committee shall not assume responsibility for the administration of any village department.

§ 2019-03-5 General powers of village board.

A. General. The village board shall be vested with all the powers of the village not specifically given some other officer. 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.

B. 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.

C. 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 §§ 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.

D. 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.

E. Construction of powers. Consistent with the purpose of giving to villages 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 Code of Ordinances 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.

§ 2019-03-6 Cooperation with other municipalities.

The village board, on behalf of the village, may join with other counties, villages, cities, towns or other governmental entities in a cooperative arrangement for executing any power or duty in order to attain greater economy or efficiency, including joint employment of appointive officers and employees.

§ 2019-03-7 Internal powers of board.

The village board has the power to preserve order at its meetings. Members of the village board shall be residents of the village at the time of their election and during their terms of office.

§ 2019-03-8 Salaries. [1]

The president and board of trustees, whether operating under general or special law, may by a three-fourths vote of all the members of the village board determine that a salary be paid the president, trustees and other village officials. The compensation for an elective village office shall be established before the earliest time for filing nomination papers for the office or, if nomination papers are not used, before the caucus date determined under § 8.05(1)(a), Wis. Stats. After that time or date, no change may be made in the compensation for the office that applies to the term of office for which the deadline or date applies. The compensation established for an elective office remains in effect for ensuing terms unless changed by ordinance or resolution.

§ 2019-03-9 Meetings.

A. Regular meetings. Regular meetings of the village board shall be held on the second Tuesday of each calendar month at 6:30 p.m. When the village board designates a date and time for the regular board meeting, notice thereof shall be posted at the Nelsonville Village Hall in the Village of Nelsonville prior to such rescheduled meeting date. All meetings of the board shall be held at the Nelsonville Village Hall, unless specified otherwise in the minutes of the preceding meeting or by written notice posted at the regular meeting place at least three hours prior to any meeting. In any event, all board meetings shall be held within the boundaries of the village.

B. Annual organizational meeting. The village board shall hold an annual organizational meeting on the third Tuesday in April or on the first regular meeting in May following the spring election.

C. Board minutes. The village clerk-treasurer shall keep a record of all board proceedings and cause the proceedings to be published.

§ 2019-03-10 Special meetings.

A. Special meetings of the board may be called by the village president, or by two trustees filing a request with the village clerk-treasurer at least 24 hours prior to the time specified for such meeting. The village clerk-treasurer shall select the day for the special meeting and immediately notify each trustee of the time and purpose of such meeting. The notice shall be delivered or mailed to each trustee personally or left at his/her usual place of abode a minimum of 24 hours prior to the meeting time. However, an emergency meeting may be called with notice of a minimum of two hours. The village clerk-treasurer shall cause a record of such notice to be filed in his/her office prior to the time fixed for such special meeting. No business shall be transacted at a special meeting except for the purpose stated in the notice thereof. Notice to the public of special meetings shall

conform to the open meeting requirements of § 61.32 and Ch. 19, Subch. V, Wis. Stats. The village clerk-treasurer shall give notice immediately upon the call for such meeting being filed with him/her.

B. The request for any special meeting shall state the purpose for which the meeting is to be called and no business shall be transacted but that for which the meeting has been called.

C. Individuals requesting a special meeting of the village board may, with village president approval, be required to pay a fee as prescribed in the Village Fee Schedule.

§ 2019-03-11 Open meetings; adjournment of meetings.

A. Open Meeting Law compliance. All meetings of the village board and subunits thereof shall be open to the public as provided in Subchapter V of Chapter 19, §§ 19.81 through 19.89, Wis. Stats. Public notice of all such meetings shall be given as provided in § 19.84, Wis. Stats.

B. Adjournment of meetings. An adjournment to a closed session may be only for a permitted purpose as enumerated in § 19.85, Wis. Stats., and must meet the other requirements of said § 19.85, Wis. Stats.

C. Meetings to be open. During the holding of any open session in the regular meeting room or in the substituted meeting room, said room and said meeting shall at all times be open and remain open to all citizens.

D. Closed meetings. The provisions of this Code do not prohibit the board or any committee thereof from having a closed meeting which is legally convened and legally held in a room in said building other than the official meeting room or in some other building in the village.

E. Photographs, motion pictures, videotape; permission required for artificial illumination. No photographs, motion pictures, or videotapes that require the use of flash bulbs, electronic flashes, flood lights, or similar artificial illumination shall be made at village board meetings without the consent of the presiding officer.

§ 2019-03-12 Quorum.

A. Two trustees, including the village president, shall constitute a quorum, but a lesser number may adjourn or compel attendance of absent members if a majority is not present. The village president shall be counted in computing a quorum.

B. When the presiding officer shall have called the members to order, the village clerk-treasurer shall record the attendance, noting who are present, and who are absent, and if, after having gone through with the call, it shall appear that a quorum is not present, the fact shall be entered in the minutes, and the members present may adjourn to a later date in the month; if they do not establish the next meeting date, the village board shall stand adjourned to the time appointed for the next regular meeting unless a special meeting is called sooner.

§ 2019-03-13 Presiding officers.

A. The village president shall preside. Village president shall preside over meetings of the village board. In the absence of the village president, the President Pro Tem shall preside over meetings of the village board. In case of absence of the village president, and President Pro Tem, the village clerk-treasurer shall call the meeting to order and the trustees present shall elect one of their number acting president.

B. President Pro Tem. At the annual organization meeting, the village board shall elect one of its members to serve as the President Pro Tem, who shall preside over meetings of the village board in the absence of the village president.

C. Duties. The presiding officer shall preserve order and decorum, decide all questions of order, and conduct the proceedings of the meeting. In the event of a dispute regarding board procedures, the matter shall be decided 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.

§ 2019-03-14 Meeting agendas; order of business.

A. Agenda.

- (1) The order of business at all regular or special meetings shall be according to the agenda prepared by the village president. All matters to be presented at a board meeting shall be filed with the president, or his/her deputy, no later than 12:00 noon on the Monday preceding the scheduled regular board meeting to enable the village president to prepare the agenda and all attachments and distribute the same to the village board (available on the village website).
- (2) A submitting department shall include copies of all material necessary to consider the agenda item.
- (3) The trustees shall advise the village president whether to include an item on the agenda, except that the trustees calling a special meeting shall decide which items shall be first considered at such special meeting.
- (4) The village president shall afford the trustees maximum reasonable notice of agenda items as each situation allows.

B. Order of business. Generally, the following order shall be observed in the conduct of all regular board meetings:

- (1) Call to order by presiding officer.
- (2) Roll call if necessary.
- (3) Discussion, correction and approval of the minutes of the previous meetings.
- (4) Audit bills and discuss finances.
- (5) Unfinished business from previous meetings.
- (6) New business, including introduction of ordinances and resolutions.
- (7) Committee reports.
- (8) Reports of village officers.
- (9) Citizen Concerns.
- (10) Adjournment.

C. 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.

D. Recognition of visitors. In order to maintain and hold meetings in an orderly fashion, the following procedure will be followed regarding visitors unless having previously made a request to be placed on the agenda for a specific item:

- (1) No discussion allowed from visitors during the course of the meeting unless requested by the board.
- (2) At the appropriate time, each visitor can be recognized and allowed to speak for no more than five minutes.

E. Procedure at public hearings.

- (1) After opening the public hearing, the presiding officer 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.
- (2) Each person speaking on behalf of the proposition shall be limited in time to not more than five minutes. The presiding officer may allow for additional time.
- (3) The presiding officer shall then call on those persons who wish to oppose the proposition.

- (4) Each such person wishing to speak in opposition to the proposition shall give his or her name and address and shall also be limited to five minutes.
- (5) Any person wishing to speak in rebuttal to any statements made may, with the permission of the presiding officer, do so; provided, however, such rebuttal statement shall be limited to three minutes by any one individual.
- (6) When the presiding officer in his/her discretion is satisfied that the proposition has been heard, he/she shall announce the fact that the hearing is concluded.

§ 2019-03-15 Introduction of business; resolutions and ordinances; disposition of communications.

A. Definitions.

- (1) Ordinance. A legislative act prescribing general, uniform, and permanent rules of conduct relating to the corporate affairs of the municipality. Board action shall be taken by ordinance when required by law, or to prescribe permanent rules of conduct which continue in force until repealed, or where such conduct is enforced by penalty.
- (2) Resolution. An internal legislative act which is a formal statement of policy concerning matters of a special or temporary nature. Board action shall be taken by resolution where required by law and in those instances where an expression of policy more formal than a motion is desired.
- (3) Motion. A form of action taken by the board to direct that a specific action be taken on behalf of the municipality. A motion, once approved and entered into the record, is the equivalent of a resolution in those instances where a resolution is not required by law.

B. Ordinances. All ordinances and resolutions shall be prepared as follows:

- (1) Each ordinance or resolution shall include a note stating the purpose thereof prepared by the sponsor. All ordinances submitted to the board shall be in writing and shall include at the outset a descriptive or brief statement of the subject matter and a title.
- (2) The sponsor of an ordinance or resolution may be the president, one or more trustees, a department head or a committee, board, or commission.
- (3) No ordinance, resolution or bylaw shall be considered unless presented in writing by a trustee or by a committee. Unless requested by a trustee before final vote is taken, no ordinance, resolution or bylaw need be read in full.
- (4) On ordinances or resolutions that require special handling, the clerk-treasurer shall assure that an editorial note is prepared showing compliance with such special handling.
- (5) The clerk-treasurer may reject any ordinance or resolution from placement on the agenda which fails to comply with this section.
- (6) Resolutions shall be in writing at the request of one trustee; such request shall be nondebateable. Resolutions may be referred to an appropriate standing committee for an advisory recommendation.

C. 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.

D. Notice. The village board may act on an ordinance only if it appears on the written agenda for meeting at which action is requested.

E. Effective date. Unless otherwise provided, all ordinances shall take effect and be in force from and after passage and publication; and published copies thereof shall have appended the date of first publication.

F. Disposition of petitions, communication, etc. Every petition or other correspondence from citizens addressed to the village board or to the village clerk-treasurer or other village officer for reference to the village board shall be delivered by 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.

G. Reference and reports. The presiding officer may refer new business coming to the board to the appropriate board committee unless otherwise referred or acted upon by the village board. All referrals, unless otherwise provided for in the referral, shall be reported on at the next regular board meeting. Village board motion based upon committee or commission action is permissible only on items specifically on the agenda.

§ 2019-03-16 Publication and effect of ordinances.

A. All ordinances adopted by the village board shall, at the discretion and direction of the village board, be published either in its entirety, as a Class 1 notice, under Ch. 985, Wis. Stats., or as a notice as described under § 61.50(3)(b), Wis. Stats.

B. Notwithstanding any provision herein, if any ordinance adopted by the village board for the Village of Nelsonville contains any penalty or forfeiture said ordinance shall be published either in its entirety, as a Class 1 notice, under Ch. 985, Wis. Stats., or as a notice as described under § 61.50(3)(b), Wis. Stats.

C. If an ordinance, resolution, motion or other action is legally posted under this section, the clerk-treasurer shall sign an affidavit attesting that the item was posted as required by this section and stating the date and place of posting. The affidavit shall be filed with other records under the jurisdiction of the clerk-treasurer.

D. All ordinances shall take effect and be in force from and after passage and publication/posting thereof, unless otherwise provided.

§ 2019-03-17 Conduct of deliberations.

A. Roll call votes. 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) When required by the state statutes of Wisconsin.

B. Record of votes. All aye and nay votes shall be recorded in the official minutes. The ayes and nays shall be ordered upon any question at the request of any member of the village board. Any trustee may demand a vote on any matter. The clerk-treasurer shall call for the ayes and noes on roll call votes in continuous rotation, beginning each roll call one name further down the roster of trustees. The clerk-treasurer shall record the ayes and noes on each vote.

C. Parliamentary procedure. Except as provided below, the presiding officer, in the event of a dispute regarding procedure, shall in all other respects determine the rules of its procedure, which shall be governed by Robert's Rules of Order, Revised, which is hereby incorporated by reference, unless otherwise provided by ordinance or statute.

D. Motions stated. Prior to any debate on a matter, the members of the village board shall be entitled to a clear understanding of the motion before the village 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. The presiding officer may, if felt necessary, restate the motion prior to any debate and discussion. Any member of the village 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 village board prior to the final vote on the matter.

E. Change of vote. No member of the village board may change his or her vote on any action item, business item, motion or question after the final result has been announced.

F. Motions with preference. During any meeting of the village 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. This is a nondebatable motion.

(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 nondebatable 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 village board. This motion is a nondebatable 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 village 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 village 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 village board will continue. The date and time established must be on a date and time for a regularly scheduled or special meeting of the village 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 village 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 village 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 village 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 village 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 properly before the village 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.

G. Public directory votes. No member of the village board shall request, at a meeting of the village board, a vote from the general public unless the proposed vote of the general public is so noted by 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 village board shall be considered by the board only as an advisory vote and shall not be considered as a directory vote.

H. Compelling votes. No member may be compelled to vote. When a member abstains from voting, the effect is the same as if the member voted on the prevailing side. The "prevailing side" is defined as the votes accumulated which resulted in carrying or defeating a question. In case of a tie vote (not including the abstention), the abstaining vote is considered a "nay." In case of a vote requiring approval by more than a simple majority, an abstaining vote is considered an "aye."

I. Majority vote. Unless a larger number is required by statute, ordinance or bylaw, a majority vote of those present at a legally constituted meeting is necessary to carry a question.

§ 2019-03-18 Reconsideration of questions.

Any member voting on the prevailing side may move for reconsideration of the vote on any question at that meeting or the next succeeding regular meeting, except those which cannot be reconsidered pursuant to Robert's Rules of Order, Revised. A trustee may not change his vote on any question after the result has been announced.

§ 2019-03-19 Disturbances and disorderly conduct.

Whenever any disturbance or disorderly conduct shall occur in any of the meetings of the board, the president may, following a warning, cause the room to be cleared by a law enforcement officer of all persons causing such disorderly conduct.


§ 2019-03-20 Amendment of rules.


The rules of §§ 2019-03-17 through 2019-03-19 shall not be rescinded or amended unless the proposed amendment or motion to rescind has laid over from a regular meeting, and then it shall require a vote of 2/3 of all the members of the board.

§ 2019-03-21 Suspension of rules.

These rules shall not be suspended except by a two-thirds vote of all the members of the board.

Adopted on this 12th day of March, 2019.

Signed: 
Robert Bailey, Village president

Signed: 
Lisa Anderson, Clerk/Treasurer