

TOWN OF CEDARBURG

ORDINANCE NO. 2007-04

AN ORDINANCE TO AMEND SECTIONS 63-1 AND 63-10 OF THE TOWN OF CEDARBURG CODE OF ORDINANCES RELATING TO ELECTED OFFICERS, AND CONSTABLES.

**WHEREAS**, the offices of Town Clerk and Town Treasurer are both currently served as appointed positions.

**WHEREAS**, the town electors of the Town of Cedarburg held a Special Town Meeting on November 20, 2006, and passed a resolution to abolish the elected office of Town Constable at the end of the current term; and

**WHEREAS**, the Town Board believes it to be in the interest of the Town to have the Town Board employ appointed Town Constables to carry out law enforcement functions and perform duties of the office of Constable as established by the Town Board;

**NOW, THEREFORE, BE IT ORDAINED** by the Town Board of the Town of Cedarburg, Ozaukee County, Wisconsin, that Sections 61-3 and 63-10 of the Town of Cedarburg Code of Ordinances are hereby amended to read as follows:

**§ 63-1. Elected officers.**

- A. Elected Town officers. At the annual spring election in even-numbered years, the Town shall elect two Supervisors. At the annual spring election in odd-numbered years, the Town shall elect a Chairperson and two Supervisors.
- B. Restrictions.
  - (1) Only an elector of the Town may hold a Town office, other than an Assessor appointed under § 60.307, Wis. Stats.<sup>1</sup>
  - (2) No person may hold the offices of Town Treasurer and Town Assessor at the same time. No person may assume the office of Town Assessor unless certified by the Department of Revenue, under § 73.09, as qualified to perform the functions of the office of Town Assessor. If the Town reverts to a system of electing instead of appointing the Assessor and a person is elected to the office and is not certified by June 1 of the year elected, the office is vacant and the Town Board shall fill the vacancy from a list of persons certified by the Department of Revenue.
- C. Notice of election. Within five days after completion of the canvass under § 7.53,

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1. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

Wis. Stats., the Town Clerk shall transmit a notice of election to each person elected to a Town office.

D. Term of office.

- (1) Every elected Town officer shall hold the office for two years.
- (2) The regular term of elected Town officers, other than the Town Assessor, if elected, commences on the second Tuesday of April in the year of their election.

**§ 63-10. Constables.**

In compliance with §§ 60.22, 60.37 and 60.56, Wis. Stats., the jurisdiction and duties of the Town Constables of the Town of Cedarburg are as provided herein. All references to "police officer" or "law enforcement officer" in this Code shall mean the Constable. Pursuant to § 63-15 of this Code, the Town Board may employ appointed Town Constables to serve in the office of Constable. Appointed Town Constables shall serve independent of any elected Town Constable, whose office may be established or abolished at a Town Meeting. The Constable shall:

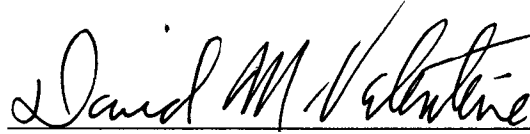
- A. Obey all lawful orders of the Town Board and enforce violations of the Code of the Town of Cedarburg for which complaints are filed with any Town officer or employee, except as they pertain to moving traffic violations.
- B. Impound cattle, horses, sheep, swine, dogs and other animals at large in the Town.
- C. Have the right to accept stipulations, that is, forfeiture fines for ordinance violations.
- D. Issue citations for violations of the Town of Cedarburg Code, as set forth in Subsection A above, and with reasonable diligence take before the proper court.<sup>2</sup>
- E. See that the necessary permits and licenses issued by the proper authority of the state or Town are in the possession of or properly displayed by any person engaged in an activity or business within the Town for which such permit or license is required and that the permit or license holders have complied with the terms of such permits or licenses.
- F. Assist the Fire Department in maintaining order at the scene of a fire.

This ordinance shall be in full force and effect upon its passage and posting or publication as provided by law.

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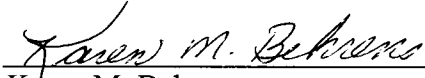
2. Editor's Note: See also Ch. 27, Citations.

Passed and adopted by the TOWN BOARD of the TOWN OF CEDARBURG,  
Ozaukee County, Wisconsin this 4<sup>th</sup> day of April, 2007.

A handwritten signature in cursive script that reads "David M. Valentine". The signature is written in black ink and is positioned above a horizontal line.

David M. Valentine  
Town Chairman

ATTEST:

A handwritten signature in cursive script that reads "Karen M. Behrens". The signature is written in black ink and is positioned above a horizontal line.

Karen M. Behrens  
Town Clerk