

Chapter 5 - TOWN OFFICERS AND EMPLOYEES

Section 5.01 RESTRICTIONS ON OFFICE

(a) Only an elector of the Town may hold a Town office, other than an assessor appointed under sec. 60.207, Wisconsin Statutes, or a Town Clerk, Town Treasurer or combined Town Clerk and Town Treasurer appointed under section 5.07.

(b) No person may hold the offices of Town Treasurer and Town Assessor at the same time.

(c) No person may assume the office of Town Assessor unless certified by the Department of Revenue, under sec. 73.09, Wis. Stats., as qualified to perform the functions of the office of Town Assessor.

State Law Reference: Section 60.30(2), Wis. Stats.

Section 5.02 TEMPORARY VACANCIES

If any elected Town officer, other than a Town Board Supervisor, is absent or temporarily incapacitated from any cause, the Town Board may appoint, if there is no deputy officer for the office, a suitable person to discharge the duties of the office until the officer returns or the disability is removed, except that the appointment procedures of this paragraph apply to a Town Board Supervisor or if he or she is absent because of entry into the U.S. armed forces. Appointees shall file the official oath and bond required under sec. 60.31, Wis. Stats.

State Law Reference: Section 60.30(5), Wis. Stats.

Section 5.03 OFFICIAL OATH AND BOND

(a) **Official Oath.** Except as provided in subsection (c), every elected or appointed Town officer shall take and file the oath under sec. 19.01, Wis. Stats., within five (5) days after notification of election or appointment.

(b) **Official Bond.** Every Town Clerk, Deputy Town Clerk, Town Treasurer, Deputy Town Treasurer shall execute and file an official bond provided by the Town or by sufficient sureties, or the Town may provide a schedule or blanket bond that includes any or all of these officials. The official bond or schedule or blanket bond provided by the Town may be furnished by a surety company under sec. 632.17(2), Wis. Stats. The amount of the bond shall be fixed by the Town Board. If the amount of the bond is not fixed by the Board, the amount shall be the same as that required of the last incumbent of

the office. If the Town Board at any time determines that the bond is insufficient, it may require an additional bond to be filed within 10 days, in an amount fixed by the Board.

(c) Exceptions.

(1) The Town of Turtle shall be obligated to pay, in case the Treasurer of the Town of Turtle shall fail to do so, all taxes of any kind required by law to be paid by the Treasurer of the Town of Turtle to the Rock County Treasurer. The Treasurer of the Town of Turtle shall not be required to give a bond for this.

(2) The Municipal Judge shall take and file the official oath and bond under sec. 755.03, Wis. Stats.

(d) Failure to File Oath or Bond. If any person elected or appointed to a Town office fails to file a required official oath or bond within the time prescribed by law, the failure to file constitutes refusal to serve in office.

State Law Reference: Sections 60.31 and 70.67(2), Wis. Stats.

Section 5.04 COMPENSATION OF ELECTIVE TOWN OFFICES

(a) Established by Town Meeting or Board.

(1) Except as provided under subsection (2) below and sec. 66.0507, Wis. Stats., the Town meeting shall establish the compensation of elective town offices.

(2) If authorized by the Town meeting under sec. 60.10(2)(k), Wis. Stats., the Town Board shall establish the compensation of elective Town offices, other than the office of Supervisor or Chairperson.

(b) Nature of Compensation. Compensation under this Section may be:

(1) An annual salary.

(2) A per diem compensation for each day or part of a day necessarily devoted to the service of the Town and the discharge of duties.

(3) A combination of the above.

(c) Changes During Term. Subject to subsection (d), the Town meeting or, if authorized to establish compensation, the Town Board may make a change in the compensation of an elective Town office to take effect during the term of office.

(d) When Established. Compensation under this section shall be established prior to the latest date and time for filing nomination papers for the office. After that date

and time, no change may be made in the compensation of the office that applies to the current term of office.

State Law Reference: Section 60.32, Wis. Stats.

Section 5.05 REIMBURSEMENT OF EXPENSES

(a) **Generally.** The Town Board may provide for reimbursement of expenses necessarily incurred by any office or employee of the Town in the performance of official Town duties. The Town Board may determine who is eligible for expense reimbursement, which expenses are reimbursable and the amount of reimbursement. Expenses reimbursable under this section include, but are not limited to:

(1) Traveling expenses, including mileage, lodging and meal expenses.

(2) Costs associated with programs of instruction related to the officer's or employee's office or employment.

(b) **Manuals.** The Town Board may purchase handbooks and manuals that will materially assist Town officials and employees in the performance of official duties.

State Law Reference: Section 60.321, Wis. Stats.

Section 5.06 COMPENSATION WHEN ACTING IN MORE THAN ONE OFFICIAL CAPACITY

Except for offices combined under sec. 60.305, Wis. Stats., no Town may compensate a Town officer for acting in more than one office of the Town at the same time.

State Law Reference: Section 60.323, Wis. Stats.

Section 5.07 COMBINED OFFICE OF TOWN CLERK AND TOWN TREASURER

(a) A majority of the members-elect of the Town Board shall appoint a person to fill the combined office of Town Clerk and Town Treasurer.

(b) A person appointed to the combined office of Town Clerk and Town Treasurer shall serve for a term, not to exceed 3 years, that is set by the Town Board. The person may be reappointed.

(c) The person appointed to the combined office of Town Clerk and Town Treasurer may be dismissed by the Town Board only for cause, as defined in section

17.16(2) of the Wisconsin Statutes, which means for inefficiency, neglect of duty, official misconduct or malfeasance in office.

(d) **Duties of Town Clerk:** The Town Clerk shall:

(1) **Clerk of Town Meeting.** Serve as Clerk of the Town meeting under sec. 60.15, Wis. Stats.

(2) **Clerk of Town Board.**

a. Serve as Clerk of the Town Board, attend all meetings of the Board and keep a full record of its proceedings.

b. File all accounts approved by the Town Board or allowed at Town meetings and enter a statement of the accounts in the Town's record books.

c. File with the Town Board claims approved by the Clerk, as required under sec. 60.44(2)(c), Wis. Stats.

(3) **Finance Book.** Maintain a finance book, which shall contain a complete record of the finances of the Town, showing the receipts, with the date, amount and source of each receipt; the disbursements, with the date, amount, and object of each disbursement; and any other information relating to Town finances prescribed by the Town Board.

(4) **Elections and Appointments.**

a. Perform the duties required by Chapters 5 to 12, Wis. Stats., relating to elections.

b. Transmit to the County Clerk, within ten (10) days after election or appointment and qualification of any Town Supervisor, or Clerk/Treasurer, a written notice stating the name and post office address of the elected or appointed officer. The Clerk shall promptly notify the County Clerk of any subsequent changes in such offices.

c. Transmit to the Clerk of Circuit Court, immediately after the election or appointment of any Municipal Judge in the Town, a written notice stating the name of the Municipal Judge and the term for which elected or appointed. If the Judge was elected or appointed to fill a vacancy in the office, the Clerk shall include in the notice the name of the incumbent who vacated the office.

(5) **Sale of Real Property.** Execute the conveyance of real property of the Town.

(6) Notices.

a. Publish or post ordinances and resolutions as required under sec. 60.80, Wis. Stats.

b. Give notice of annual and special Town meetings as required under sections 60.11(5) and 60.12(3), Wis. Stats.

(7) Records.

a. Comply with subch. II of Chapter 19, Wis. Stats., concerning any record of which the Clerk is legal custodian.

b. Demand and obtain the official books and papers of any Municipal Judge if the office becomes vacant and the Judge's successor is not elected or appointed and qualified, or if any Municipal Judge dies. The Town Clerk shall dispose of the books and papers as required by law.

(8) Licenses. Issue any license or permit granted by the Town Board when any required fee has been paid.

(9) Street Trade Permits. Stamp or endorse street trade permits at the request of an employer under sec. 103.25(3m)(b), Wis. Stats.

(10) Schools.

a. Perform the Clerk's duties under Chapters 115 to 121, Wis. Stats., relating to public instruction.

b. Within ten (10) days after the Clerk's election or appointment, report his or her name and post office address to the administrator of each cooperative educational service agency which contains any portion of the Town. The Clerk shall report to the administrator the name and post office address of each school district clerk within ten (10) days after the name and address is filed in the Clerk's office.

c. Make and keep in the Clerk's office a map of the Town, showing the exact boundaries of school districts within the Town.

d. Apportion, as provided by law, tax revenues collected by the Town for schools.

(11) Highways and Bridges. Perform the duties specified in Chapters 82 to 92, Wis. Stats., relating to highways, bridges and drains.

(12) Notice of Property Tax Revenue. Notify the Treasurer of the county in which the Town is located, by February 20, of the proportion of property tax

revenue and of the credits under s. 79.10 that is to be disbursed by the taxation district treasurer to each taxing jurisdiction located in the Town.

(13) **Office Hours.** Maintain office hours as directed by the Town Board.

(14) **Location of Records.** All Town records shall be kept at the Turtle Community Center, 6916 S. County Road J, Beloit, Wisconsin 53511.

(15) **In General.** Perform all other duties required by law, ordinance or lawful direction of the Town meeting or Town Board.

(e) **Duties of Town Treasurer.** The Town Treasurer shall:

(1) **Receive and Disburse Town Money.**

a. Except as provided in sec. 66.0608, Wis. Stats., receive and take charge of all money belonging to the Town, or which is required by law to be paid into the Town treasury, and disburse the money under sec. 66.0607, Wis. Stats.

b. Keep an itemized account of all moneys received and disbursed, specifying the source from which it was received, the person to whom it was paid and the object for which it was paid. The Town Treasurer shall issue numbered receipts for all funds received. At the request of the Town Board, the Town Treasurer shall present the account books, and any supporting documents requested, to the Board.

(2) **Deposit of Town Money.**

a. Deposit as soon as practicable funds of the Town in the name of the Town in the public depository designated by the Town Board. Failure to comply with this paragraph is grounds for removal from office.

b. When money is deposited under subsection (e)(2)a., the Town Treasurer and the Treasurer's sureties are not liable for any loss as defined in sec. 34.01(2), Wis. Stats. The interest arising from the money deposited shall be paid into the Town treasury.

(3) **Records.** Comply with subch. II of Ch. 19, Wis. Stats., concerning records of which the Treasurer is legal custodian.

(4) **Taxes.** Perform all of the duties relating to taxation required of the Town Treasurer under Chapters 70 to 79, Wis. Stats.

State Law Reference: Sections 60.30, 60.33, 60.34, Wis. Stats.

Section 5.08 DEPUTY TOWN CLERK

Each Town Clerk may appoint one or more deputies for whom the Town Clerk is responsible. A deputy shall take and file the official oath and bond under sec. 60.31, Wis. Stats. The Town Clerk may designate a deputy to perform the Clerk's duties during the absence, sickness or other disability of the Clerk.

State Law Reference: Section 60.331, Wis. Stats.

Section 5.09 DEPUTY TOWN TREASURER

Each Town Treasurer may appoint a deputy for whom the treasurer is responsible. The deputy shall take and file the official oath and bond under sec. 60.31, Wis. Stats. In case of the absence, sickness, or other disability of the treasurer, the deputy shall perform the treasurer's duties.

State Law Reference: Section 60.341, Wis. Stats.

Section 5.10 ASSESSOR

(a) Qualification.

(1) The Assessor, or assessment firm, shall be certified by the Department of Revenue under section 73.03(2)(b), Wis. Stats., as qualified to perform the functions of an Assessor. Pursuant to sec. 60.307(2), Wis. Stats., the Assessor shall be appointed by majority vote of the Town Board for a term as determined by special services agreement, but not less than one (1) year.

(2) The Town Assessor so appointed need not be a resident of the Town of Turtle and may hold the office of Assessor for another town or municipality with the consent of the Town Board.

(b) **Duties.** The Town Assessor shall have all the statutory authority, powers and duties for property tax assessment required of the Town Assessor pursuant to Chapters 60, 66, 70 and 79, Wis. Stats. The Assessor shall begin under section 70.10, Wis. Stats., to make an assessment of all of the property in the Town liable to taxation, as prescribed by law. The assessor shall return the assessment roll to the Town Clerk at the same time and in the same manner in which Town Assessors are required to do as required by Chapter 70, Wis. Stats.

State Law Reference: Section 60.307(2) and Ch. 70, Wis. Stats.

(c) Confidentiality of Income and Expenses Provided to Assessor for Assessment Purposes.

(1) Adoption. This ordinance adopts by reference section 70.47(7)(af) of the Wisconsin Statutes. Income and expense information provided by a property owner to an assessor for the purposes of establishing the valuation for assessment purposes by the income method of valuation shall be confidential and not a public record open to inspection or copying under section 19.35(1) of the Wisconsin Statutes.

(2) Exception. An officer may make disclosure of such information under the following circumstances:

- a. The assessor has access to such information in the performance of his/her duties;
- b. The Board of Review may review such information when needed, in its opinion, to decide upon a contested assessment;
- c. Another person or body has the right to review such information due to the intimate relationship to the duties of an office as set by law;
- d. The officer is complying with a court order;
- e. The person providing the income and expense information has contested the assessment level at either the Board of Review or by filing a claim for excessive assessment under section 74.37 of the Wisconsin Statutes, in which case the base records are open and public.

Section 5.11 BUILDING INSPECTOR

(a) **Appointment**. There is hereby created the position of Building Inspector who shall be appointed by the Chairperson, subject to confirmation by the Town Board. He/she shall have an indefinite term of office. The Town Board may at its option contract for the services of an inspection firm. The Building Inspector shall review plans, calculate building code-related fees and arrange for Assistant Inspectors to conduct on-site inspections. The Building Inspector shall have proper certification in areas of responsibility from the State of Wisconsin.

(b) Powers and Duties.

(1) The Building Inspector shall enforce the Town's building and housing codes and all other ordinances, laws, and orders of the Town and State which relate to building construction, alteration, and repair. With the authorization of the Town Board, he/she may appoint one (1) or more Deputy Building Inspectors and may delegate to them the above-mentioned powers and duties.

(2) The Building Inspector shall make all on-site inspections necessary for compliance and enforcement of the Building Code.

(3) The Town Chairperson or Inspector shall have the power to order all work stopped on construction, alteration, or repair of buildings in the Town when such work is being done in violation of any Town ordinance. Work shall not be resumed after the issuance of such an order, except on written permission of the Inspector.

(4) The Inspector shall issue or cause to be issued all proper permits for such work after payment of the fees required therefor. The Inspector shall process all applications, make all inspections, and have the authority to issue or cause to be issued a certificate of completion.

(c) **Right of Entry.** The Building Inspector 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 going on, including plumbing and electrical work.

Section 5.12 WEED COMMISSIONER

The Weed Commissioner shall be appointed by the Chairperson, subject to Town Board confirmation. The term of office of the Weed Commissioner shall commence on the first day of May following his or her appointment. The Weed Commissioner shall take the official oath, which oath shall be filed in the Office of the Town Clerk, and shall hold office for one (1) year. The Weed Commissioner shall hold office pursuant to and fulfill the duties set out in state law.

State Law Reference: Sections 66.97 and 66.98, Wis. Stats.

Section 5.13 TOWN ATTORNEY

(a) **Appointment.** The office of Town Attorney is an appointed position. The Town Attorney may be appointed by the Town Board and shall serve at the pleasure of the Board. The Town Board shall negotiate and establish the compensation in a contract for the designation, retention or employment of an attorney based on a regular salary, per diem rate, retainer, hourly rate, or other methods agreed to by the attorney and the Town Board.

(b) **Duties.** The Town Attorney shall have the following duties:

(1) The Attorney shall conduct all of the law business in which the Town is interested.

(2) He/she shall, when requested by the Town Chairperson, or by two (2) Supervisors making a request through the Town Chairperson, give written legal opinions, which shall be filed with the Town.

(3) He/she shall draft ordinances, bonds and other instruments as may be required for the proper operation of the Town.

(4) The Town Board may employ and compensate special counsel to assist in or take charge of any matter in which the Town is interested.

(5) The Town Attorney shall perform such other duties as provided by State law and as designated by the Town Board.

State Law Reference: Section 60.37, Wis. Stats.

Section 5.14 TOWN ENGINEER

The office of Town Engineer is an appointed position. The Town Engineer may be appointed by the Town Board and shall serve pursuant to a professional services agreement. When authorized by the Town Board, the Town Engineer shall provide engineering services to the Town.

Section 5.15 HIGHWAY SUPERINTENDENT

(a) Selection. The Highway Superintendent shall be appointed by the Town Board. Selection shall be made solely on merit upon the basis of general qualifications and fitness for performing the duties of the position.

(b) Powers and Duties. Under the direction of the Town Board, the Highway Superintendent shall have the following duties:

(1) Supervise, under the Town Board=s direction, the construction, repair, and maintenance of all roads, highways and bridges under the Town=s jurisdiction;

(2) Perform such other services in connection with roads, highways and bridges that the Town Board requires which shall be set forth in the Highway Superintendent=s Job Description;

State Law Reference: Section 82.03(1), Wis. Stats.

Section 5.16 CHIEF OF POLICE

(a) Appointment.

(1) The Chief of Police shall be appointed by the Town Board and shall hold office during satisfactory performance, subject to suspension or removal pursuant to law. Selection shall be made solely on merit upon the basis of general qualifications and fitness for performing the duties of the position.

(2) The compensation to be paid the Chief of Police for his/her services, the hour of active duty, rest days, vacation periods and other involvement of his or her employment shall be such as may be determined by the Town Board from time to time.

(b) General Duties. The Chief of Police shall:

(1) Have command of the Police Department of the Town under direction of the Town Board;

(2) Have general administration and control of the Department;

(3) Be responsible for the Department's government, efficiency and general good conduct;

(4) Perform all duties prescribed to him/her by laws of the State and ordinances of the Town of Turtle;

(5) Develop Department policies and procedures and maintain and update them when needed;

(6) Maintain Department ethics and discipline;

(7) Delegate special assignments or duties to police officers, and monitor to see that responsibilities are carried out;

(8) Perform all the duties of a police officer during a portion of every regular shift;

(9) Identify and evaluate ideas to achieve more efficient and effective operation;

(10) Prepare Department budget requests and maintains expenditures within approved budgetary levels;

(11) Cooperate with county, state and federal officials, and other municipal law enforcement agencies;

(12) Make special reports to the Town Board on request; and advise and cooperate with other Town departments in matters of public safety;

(13) Perform other miscellaneous duties as assigned;

(14) Attend monthly Town Board meetings with a written report of monthly activities;

(15) Shall be assistant to the Emergency Management Coordinator.

State Law Reference: Section 62.13, Wis. Stats.

Section 5.17 FIRE CHIEF

(a) **Appointment.** The Fire Chief shall be appointed by the Town Board and shall hold office during satisfactory performance, subject to suspension or removal pursuant to law. Selection shall be made solely on merit upon the basis of general qualifications and fitness for performing the duties of the position.

(b) **Duties and Powers.** The Fire Chief shall:

(1) Have general supervision of the Fire Department personnel, apparatus and equipment. The Fire Chief, or his/her designee, shall be present at fires and command all fire-fighting operations. The Fire Chief may make such further rules, regulations and policies for the government of the Fire Department as he/she may deem necessary, provided such rules and regulations shall not be inconsistent with the laws of the State of Wisconsin or Town policies. The Fire Chief shall, by virtue of his/her office, hold the office of Fire Inspector or he/she may delegate a member of the Department to serve as the Fire Inspector;

(2) Enforce all fire prevention ordinances of the Town and State laws and regulations pertaining to fire prevention, and shall keep citizens informed on fire prevention methods, and on the activities of the Department;

(3) Monitor Department expenditures and purchases pursuant to the adopted budget;

(4) Submit departmental estimates to the Town Board to assist in budget preparation;

(5) Be responsible for the proper maintenance of facilities and equipment under his/her administrative control;

(6) Be responsible for the Department's government, efficiency and general good conduct;

(7) Perform all duties prescribed to him/her by laws of the State and ordinances of the Town of Turtle;

(8) Develop Department policies and procedures and maintain and update them when needed;

(9) Maintain Department ethics and discipline;

(10) Delegate special assignments or duties to firefighters and monitor to see that responsibilities are carried out;

(11) Perform all the duties of a firefighter during a portion of every regular shift;

(12) Identify and evaluate ideas to achieve more efficient and effective operation;

(13) Prepare Department budget requests and maintains expenditures within approved budgetary levels;

(14) Participate in the recruitment, testing and selection of new personnel;

(15) Supervise and participate in the advanced and continuing training of firefighters and Department employees;

(16) Cooperate with county, state and federal officials, and other fire safety agencies;

(17) Make special reports to the Town Board on request; and advise and cooperate with other Town departments in matters of public safety;

(18) Shall be assistant to the Emergency Management Coordinator;

(19) Perform other miscellaneous duties as assigned.

(c) **Reports of Chief.** The Fire Chief shall report to the Town Board from time to time or upon the request of said Town Board or Town Chairperson on matters concerning departmental matters and shall perform such other duties in conformance with his/her office as may from time to time be required of him/her by the Town Board.

State Law Reference: Section 62.13, Wis. Stats.

Section 5.18 MUNICIPAL JUDGE

(a) **Established.** Pursuant to the authority granted by Chapter 755, Wis. Stats., there is hereby established a Municipal Court for the Town of Turtle.

(b) **Office of Municipal Judge Created.** Pursuant to the authority granted by Chapter 755, Wis. Stats., there is hereby created the office of Municipal Judge for the Municipal Court for the Town of Turtle. Mid-term vacancies in the office of Municipal Judge shall be filled by special election to be held not less than fifty-five (55) nor more than seventy (70) days after the order of the Town Board therefore.

(c) **Election; Term.** The Municipal Judge shall be elected at large at the spring election on the odd-numbered years for a term of two (2) years commencing on May 1 succeeding the election. The Municipal Judge shall be subject to the Wisconsin Code of Judicial Ethics and shall file an annual financial statement.

(d) **Salary.** The salary of the Municipal Judge may be increased for a new term prior to the beginning of the term for the Judge, or for the second year of a term before the start of the second year of the term of the Judge, but the salary shall not be decreased during the term of the Judge. Salaries may be paid annually or in equal installments as determined by the Town Board, but no Judge may be paid a salary for that portion of any term during which portion the Judge has not executed the official bond or official oath as required by sec. 755.03, Wis. Stats., and filed under sec. 19.01(4)(c) of the Wisconsin Statutes, as amended. The salary shall be as established by the Town Board.

(e) **Bond; Oath.** The Municipal Judge shall execute and file with the Clerk of the Circuit Court for Rock County the oath prescribed by sec. 755.03, Wis. Stats., and an official bond in such an amount of One Thousand Dollars (\$1,000.00). The cost of the bond shall be paid by the Town.

State Law Reference: Chapter 755 and Section 19.01(4)(c), Wis. Stats.

Section 5.19 CLERK OF THE MUNICIPAL COURT

(a) **Appointment.** The Municipal Judge shall, in writing, appoint a Clerk of the Municipal Court. The Clerk's salary shall be fixed by the Town Board. The Clerk of the Municipal Court shall hold office for a two (2) year term of office, running concurrently with the Municipal Judge's term of office. The Clerk shall, before entering upon the duties of his/her office, take the oath provided by sec. 19.01, Wis. Stats., and give such bond as the Town Board may require. The oath and bond of the Clerk of Municipal Court shall be filed with the Town Clerk. The cost of such bond shall be paid by the Town.

(b) **Duties.** The Court Clerk shall:

- (1) File and review citations and complaints, assuring their correctness;
- (2) Reply to departmental mail concerning routine matters as prescribed by the Municipal Judge;
- (3) Assign docket numbers to citations and complaints, type the docket sheets, and gather all material pertinent to cases;
- (4) Determine and schedule court dates and facilities;
- (5) Communicate with law officers, attorneys, and defendants regarding court proceedings;
- (6) Balance dockets at the conclusion of court proceedings;
- (7) Prepare and mail warrants and summons;
- (8) Prepare monthly report of financial activities and forward to Town Clerk;
- (9) Assist in the collection of traffic bonds;
- (10) Prepare necessary communications for jury trials and transfers to circuit court;
- (11) Perform such other duties specified in the Wisconsin Statutes as may hereafter be prescribed by the Town Board.

Section 5.20 TOWN AUDITOR/ACCOUNTANT

(a) **Selection.** The Town Board may, pursuant to sections 60.41 and 60.43, Wis. Stats., designate, retain or employ one (1) or more accountants, including certified public accountants, on a temporary or continuing basis for financial matters or to represent the Town in financial matters.

(b) **Compensation.** The Town Board shall negotiate and establish the compensation in a contract for the designation, retention or employment of an accountant based on a regular salary, per diem rate, retainer, hourly rate or other methods agreed to by the accountant and the Town Board.

(c) **Duties.** The accountant has the duties and powers established in sections 60.41 and 60.43, Wis. Stats., plus any additional powers and duties established pursuant to the retainer contract between the accountant and the Town Board.

State Law Reference: Sections 60.41 and 60.43, Wis. Stats.

Section 5.21 ZONING ADMINISTRATOR

(a) The Town Board, by majority vote, shall appoint a Zoning Administrator for an indefinite term of office. Under the direction of the Town Board, the Zoning Administrator shall administer the Town's zoning and land division codes.

(b) The duties of the Zoning Administrator shall be to investigate all complaints, give notice of violations, and to enforce this Ordinance. The Zoning Administrator may enter, at any reasonable time as permitted by the property owner, onto any public or private lands or waters to make inspection. If the Zoning Administrator is refused entry, a special inspection warrant shall be issued for said premises pursuant to section 66.0119 of the Wisconsin Statutes. The Zoning Administrator may set time limits and conditions for the correction of violations.

(c) The Zoning Administrator shall make a monthly report of his/her activities to the Commission and the Town Board.

(d) The Zoning Administrator shall prepare building permit forms; assist the applicant in preparing his/her application; advise the applicant as to the provisions of the Town Zoning Ordinance; inspect each project for which a permit has been applied for or granted; report violations; and provide this information to the Planning Commission and the Town Board.

Section 5.22 TOWN EMPLOYEES

The Town Board may employ on a temporary or regular basis persons necessary to carry out the functions of Town government. The Board may establish the qualifications and terms of employment, which may include the residency of the employee. The Board may delegate the authority to hire Town employees to any Town official or employee.

State Law Reference: Section 60.37, Wis. Stats.

Section 5.23 CUSTODY OF OFFICIAL PROPERTY

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

State Law Reference: Section 19.21, Wis. Stats.

Section 5.24 ELIGIBILITY FOR OFFICE/INCOMPATIBILITY OF OFFICE

(a) Any person who is a qualified elector in the Town of Turtle may hold any elected Town office. No member of the Town Board may, during his or her term, be eligible for any Town office or Town position which, during such term, the office or position has been created by or the selection to which is vested in the Town Board. Any member of the Town Board will be eligible for such Town office or Town position of he or she resigns from the Town Board before being appointed to the Town office or Town position and if the office or position was not created during his or her term in office.

(b) Certain Town offices are incompatible, by common law and statutory law, with other Town offices and also with other county, state or federal offices. No Town officer shall serve in both offices at the same time. If any question or concern by any person is raised to the Town Board regarding incompatibility of any office in the Town of Turtle, the Town Attorney, at the request of the Town Board, shall review the matter and shall provide his or her written comments to the Town Board.

Section 5.25 OFFICIAL OATH AND BOND

(a) **Authority.** The Town Board has the specific statutory authority, powers and duties, pursuant to sections 60.20, 60.22 and 60.31, Wis. Stats. to require that certain elected officials take an official oath and to require that they file the appropriate bond.

(b) **Oath.**

(1) **General Provision.** All elected officers of the Town of Turtle, except the Municipal Judge, shall take and file the below noted oath within five (5) days after notification of election or appointment by the Town Clerk. The written oath of office and the oral oath of office, pursuant to sec. 19.01, Wis. Stats., shall be substantially in the following form:

a. Written Oath.

STATE OF WISCONSIN,

County of Rock

I, the undersigned, who have been elected to the office of _____, but have not yet entered upon the duties thereof, swear (or affirm) that I will support the constitution of the United States and the constitution of the State of Wisconsin, and will faithfully discharge the duties of said office to the best of my ability. So help me God.

Subscribed and sworn to before me this _____ day of _____, 20__.

Signature

b. Oral Oath.

I, _____, swear (or affirm) that I will support the constitution of the State of Wisconsin, and will faithfully and impartially discharge the duties of the office of _____ to the best of my ability. So help me God.

(2) **Filing Locations.** The official oath of all elected officers of the Town shall be filed with the Town Clerk except that the Municipal Judge shall file his or her oath with the Clerk of the Circuit Court.

(3) **Failure to File Oath.** If any elected officer of the Town of Turtle fails to file the proper oath within the time prescribed by statute, the failure to file constitutes refusal to serve in the office. No Municipal Judge in the Town of Turtle shall be paid a salary for anytime during the term during which the Municipal Judge has not executed and filed his or her oath.

(c) **Bonds.**

(1) **General Provision.** The bond costs shall be provided by the Town of Turtle. No natural person may be a surety on a bond. The bond may be furnished by a surety company under sec. 632.17(2), Wis. Stats. The Town Board may at anytime determine that any bond amount established is insufficient or in excess and may therefore require any officer noted above to file a new bond within ten (10) days, in an amount fixed by the Town Board.

(2) **Filing Location.** The official bond shall be filed with the Town Clerk except that the Municipal Judge shall file his or her bond with the Clerk of Circuit Court.

(3) **Failure to File Bond.** The elected officers of the Town required to file a bond shall file the required bond before entering upon the duties of the office. If the elected officers of the Town fail to file the required bond within the time prescribed by law, the failure to file the required bond within the time prescribed by law, the failure to file the required bond constitutes refusal to serve in office and the office can be declared vacant by the Town Board. No Municipal Judge of the Town shall be paid a salary for anytime during the term during which the Municipal Judge has not executed and filed the required bond.

State Law Reference: Sections 60.20, 60.22 and 60.31, Wis. Stats.