

# CHAPTER 1

## VILLAGE OF ROCKDALE

### CODE OF ORDINANCES

#### **AMEND CHAPTER 1 OF THE CODE OF ORDINANCES TO INCLUDE 1.02(A) and 1.02(B), Election Poll Hours and Election Officials.**

##### **1.02 Election Poll Hours and Election Officials.**

(A) The voting polls in the Village of Rockdale, Dane County, Wisconsin shall be opened from 7:00 a.m. to 8:00 p.m. for all elections.

(B) One set of three election officials shall conduct elections. Election officials shall be appointed, work a flexible schedule, and perform their duties in accordance with applicable Wisconsin Statutes.

The above and foregoing amended ordinance was duly adopted at a regular meeting by the Village Board of Trustees of the Village of Rockdale held on March 17, 2014 by a vote of 5 ayes, 0 nays, and 0 not voting (absent).

APPROVED:

By: Suzanne S. Hotter  
Suzanne S. Hotter, Village President

Attest: Peggy Keach  
Peggy Keach, Clerk-Treasurer

APPROVED: 3-17-14

ATTACHED: Amended Chapter 1 Ordinance

## VILLAGE OF ROCKDALE

### CODE OF ORDINANCES

**AMEND CHAPTER 1 OF THE CODE OF ORDINANCES TO INCLUDE 1.07(E),  
Duplicate Treasurer's Bond Eliminated.**

#### **1.07 Village Clerk-Treasurer**

**(E) Duplicate Treasurer's Bond Eliminated. The Village of Rockdale elects not to require a bond on the Clerk-Treasurer provided for by Wis. Stats. 70-67(1). Pursuant to sec 70.67(2). Wis. Stats., the Village shall be obligated to pay, in case the Village Clerk-Treasurer shall fail to do so, all State and County taxes required by law to be paid by the Village Clerk-Treasurer to the County Treasurer.**

The above and foregoing amended ordinance was duly adopted at a regular meeting by the Village Board of Trustees of the Village of Rockdale held on November 15, 2010, by a vote of 4 ayes, 0 nays, and 1 not voting (absent).

APPROVED:

By: Suzanne S. Hotter  
Suzanne S. Hotter, Village President

Attest: Peggy Keach  
Peggy Keach, Clerk-Treasurer

APPROVED: 11-15-10

PUBLISHED: 11-24-10

ATTACHED: Amended Chapter 1 Ordinance

# ORDINANCE OF THE VILLAGE OF ROCKDALE, WISCONSIN

Title: Section 1.10 Village Committees: (A) Sewer Utility Committee

Ordinance Identification Number	<u>2007-09</u>
Code Section(s) created, <del>amended, or repealed</del>	<u>Section 1.10(A)</u>
Presented to Board by	<u>Village Special Counsel</u>
Committee Review by	<u>None</u>
Date(s) Public Hearing(s) held (if required)	<u>None Required</u>
Date adopted	<u>September 12, 2007</u>
Vote	<u>2-0</u>
Date of posting of adoption of ordinance	<u></u>

The Village Board of the Village of Rockdale does hereby ordain and adopt the following as a Village ordinance:

- 1) That *Section 1.10 Village Committees: Section (A) Sewer Utility Committee*, which is attached hereto and incorporated herein by reference, is hereby adopted; and
- 2) That *Village of Rockdale Wastewater Treatment Facility and Collection System Use Ordinance* adopted on March 31, 1998 as Ordinance No. 29.00, ("SUO"), shall be amended such that the "management, operation, and control of the sewer system for the Village of Rockdale" is hereby vested in the Rockdale Village Board, and anything to the contrary or inconsistent in said SUO is hereby repealed; and
- 3) That any preexisting committees, commissions, bodies or entities existing or purporting to exist on the date of enactment of this ordinance which are inconsistent *with Section 1.10 Village Committees: Section (A) Sewer Utility Committee*, or purport to have jurisdiction, management or authority over the Village Sewer Utility other than the Village Board and the newly enacted Sewer Utility Committee are hereby affirmatively abolished and repealed.

Adopted this \_\_\_\_ day of \_\_\_\_\_, 2007.

**VILLAGE OF ROCKDALE**

\_\_\_\_\_  
Chuck Hutchens, Village President

ATTEST:

\_\_\_\_\_  
Carrie Andersen, Village Clerk

Approved as to form this 13<sup>th</sup> day of September, 2007.

\_\_\_\_\_  
Constance L. Anderson, Esq. Village of Rockdale Special Counsel

**(A) Sewer Utility Committee**

- (1) Creation.** The Village of Rockdale hereby creates a Sewer Utility Committee which shall have the powers and duties as authorized herein and as otherwise authorized or delegated by the Village Board.
- (2) Purpose.** The establishment of this Committee shall be for the purpose of making recommendations regarding the operation, management, financing, staffing and improvement of the Village of Rockdale sewer utility.
- (3) Membership, Appointment, Terms.** The Committee shall consist of 3 members, all of whom shall be Village residents. At least one member shall be a Village Trustee or the Village President. Appointments shall be made by the Village President, subject to confirmation by the Village Board. One member shall be appointed as chair of the Committee. In the first year of the Committee, one (1) member shall be appointed for a term expiring on the 3<sup>rd</sup> Tuesday in April of 2008, and two (2) members shall be appointed for a term expiring on the 3<sup>rd</sup> Tuesday in April of 2009. Thereafter, members shall be appointed at the first Village Board meeting on or after the 3<sup>rd</sup> Tuesday in April with terms expiring on the 3<sup>rd</sup> Tuesday in April two years thereafter. In case of a vacancy on the Committee, the Village President may appoint a member to fill a vacancy for the remainder of the term, subject to Village Board approval.
- (4) Committee Powers, Duties and Responsibilities.** The Committee shall have the following powers, duties and responsibilities which shall be advisory except as otherwise provided:

  - (a) To review and recommend to the Village Board policies and directives necessary for the operation, management, financing, staffing and improvement of the Village sewer utility.
  - (b) To review and recommend to the Village Board policies and directives regarding the hiring, promotion, staffing, overtime, training and management of directors, managers, accountants, utility clerks, employees and/or consultants for the Village sewer utility. The Committee may recommend that certain employees be bonded.
  - (c) To review and recommend to the Village Board all budgetary, financing, revenue and expenditure proposals relating to Village sewer utility. The Committee shall submit to the Village Board by October 1 of each year, a proposed budget, rates and/or rate adjustments for the ensuing calendar year.
  - (d) To review and recommend to the Village Board payment of Village sewer utility bills, expenses, equipment purchases, which authority may be delegated by the Committee to the Chair or designee.
  - (e) To perform any and all duties assigned to the "Sewer District Committee or Commissioners" in the *Village of Rockdale Wastewater Treatment Facility and Collection System Use Ordinance* adopted on March 31, 1998 as Ordinance No. 29.00, ("SUO"), except that the "management, operation, and control of the sewer system for the Vil-

lage of Rockdale” is now hereby vested in the Village Board, and anything to the contrary in said SUO is hereby amended to be consistent with this 1.10(A)(4)(e). The Committee may review and recommend changes to the SUO.

(f) To perform such other duties and have such responsibilities as the Village Board shall from time to time, by ordinance, resolution, motion or otherwise direct.

**(5) Rules, Meetings and Organization.** The Committee may make rules for its own proceedings. The Committee shall meet monthly, as needed, or as directed by the Chair. Regular or special meetings may be called by the Chair or by written request of two Committee members. The Committee may select from among its members a recording secretary. The Committee shall keep accurate minutes of all proceedings of the Committee in compliance with state law and routinely forward them to the Village Board and Clerk. The Committee shall transmit to the Village Board regular reports of its transactions and activities. Each member may receive a salary or per diem as established by Village Board resolution. As of the date of adoption of this ordinance, no salary or per diem is authorized for the Committee Chair or Committee members.

**(6) Annual Report.** The Sewer Utility Committee shall submit to the Village Board, on or before March 1<sup>st</sup> of each year, a detailed report of all its activities for the preceding year, together with an itemized statement of all its expenditures, as well as a list of its employees, together with their salaries and a statement of the income, together with the inventory of the property of every character under its control and such other information as may be determined by it essential to inform the Village Board of the condition of the Sewer Utility financially and otherwise.

## **FORM OF GOVERNMENT, ELECTED OFFICIALS AND APPOINTED CLERK-TREASURER**

### **1.01 VILLAGE GOVERNMENT.**

The Village of Rockdale is a body, corporate and political 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.

### **1.02 ELECTION POLL HOURS.**

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

### **1.03 NEWSPAPER.**

There is no newspaper published in the Village of Rockdale. Board meeting proceedings will be posted in the three posting locations. When publication is required by Wisconsin law, the Village will use an appropriate area newspaper.

### **1.04 VILLAGE BOARD.**

The Trustees of the Village of Rockdale shall constitute the Village Board. The Village Board shall be vested with all the powers of the Village not specifically given to some other officer, as well as those powers set forth elsewhere through this code of ordinances.

### **1.05 TRUSTEES.**

The Village of Rockdale shall have four (4) Trustees in addition to the President, who is a Trustee by virtue of his/her office as President. Two Trustees 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.

### **1.06 VILLAGE PRESIDENT.**

The Village President shall be elected at the annual spring election in odd numbered years, for a term of two (2) years, commencing on the third Tuesday of April in the year of his/her election.

### **1.07 VILLAGE CLERK-TREASURER.**

- (A) The Village of Rockdale, pursuant to Secs. 61.195, 61.197 and 66.01. Wis. Stats., hereby elects not to be governed by those portions of secs. 61.19, 61.25, and 61.26, Wis. Stats., which are in conflict with this ordinance.

- (B) The offices of Village Clerk and Village Treasurer are hereby consolidated and the duties of both offices shall be performed by the person appointed as Village Clerk-Treasurer.
- (C) The Village Clerk-Treasurer shall perform all duties required of both the offices of Clerk and Treasurer as provided by law and those other duties as the Village Board requests to be executed by the Clerk-Treasurer from time to time.
- (D) Annual recurring audits shall be made of the records of the Clerk-Treasurer with the audit to be made by a certified public accountant.
- (E) Duplicate Treasurer's Bond Eliminated. The Village of Rockdale elects not to require a bond on the Clerk-Treasurer provided for by Wis. Stats. 70-67(1). Pursuant to sec 70.67(2), Wis. Stats., the Village shall be obligated to pay, in case the Village Clerk-Treasurer shall fail to do so, all State and County taxes required by law to be paid by the Village Clerk-Treasurer to the County Treasurer.

#### 1.08 **VILLAGE CONSTABLE.**

The Village does not currently have a constable.

#### 1.09 **JOINT MUNICIPAL JUDGE.**

- (A) Joint Municipal Court Established. Pursuant to the authority granted by Wis. Stats., 66.0301, 755.01 and Ch. 755, there is hereby established the Joint Municipal Court for the Village of Cambridge, the Village of Deerfield and Village of Rockdale, Wisconsin. The Village of Cambridge Board, the Village of Deerfield Board and the Village of Rockdale Board are hereby authorized to enter into an agreement to share the costs of maintaining the joint municipal court.
- (B) Office of Municipal Judge Created. Pursuant to the authority granted by Wis. Stats., 755.01, there is hereby created the office of Judge of the Municipal Court for the Village of Cambridge, the Village of Deerfield and the Village of Rockdale, Wisconsin. The Municipal Judge shall reside in the Village of Cambridge, Village of Deerfield or the Village of Rockdale.
- (C) Election of Municipal Judge.
  - (1) Term. The Municipal Judge shall be elected at large in the spring election in odd numbered years for a term of 2 years commencing May 1, 2009, and every May 1 succeeding his/her election or until a successor is elected and qualified. Mid-term vacancies in the office of Municipal Judge shall be filled by appointment pursuant to Wis. Stats. 8.50(4)(fin), as agreed upon by the Villages.
  - (2) Nominations. All candidates for the position of Municipal Judge shall be nominated by nomination papers pursuant to Wis. Stats., 8.05(4) and 8.10, as may be amended. In the event that more than two individuals are nominated for the office of municipal court judge, a



non-partisan primary shall be held in all Villages pursuant to Wis. Stats., 8.05(4)-(5), as may be amended. The Village Clerks of the Villages of Cambridge, Deerfield and Rockdale shall ensure that his/her respective Village complies with all applicable nomination and election laws including but not limited to Wis. Stats., 5.58(1)(c), 5.60(1)-(2), 7.10(1)(a), and 8.10(6)(bm), as may be amended, and properly provides for the election of Municipal Judge pursuant to Wis. Stats., 755.01(4), as may be amended.

(D) Court Review.

The Village Boards of Cambridge, Deerfield and Rockdale may conduct a formal, joint review of the municipal court during the first year of operation and no less than every two years thereafter. The Municipal Judge shall provide regular monthly status reports to the respective Boards.

(E) Salary.

The Municipal Judge shall receive a salary as determined by the Village Boards, which shall be in lieu of fees and costs. The court salary and administrative costs associated with such will be paid proportionately based on the number of citations by the Villages. No salary shall be paid to the Judge for any time during his/her term for which he/she has not executed and filed his/her official bond and oath as required by section (F) of this ordinance. The Villages may enter into a separate agreement regarding allocation of funds for administration of the Municipal Court, and other matters as determined by the Villages, pursuant to Wis. Stats., 66.0301.

(F) Bond; Oath.

The Municipal Judge shall execute and file with the Clerk of Circuit Court for Dane County and Jefferson County the oath prescribed by Wis. Stats., 755.03 and a bond in the penal sum of Five Hundred (\$500.00) Dollars.

(G) Jurisdiction.

The Municipal Judge shall have such jurisdiction as provided by law and Wis. Stats., 755.045 and 755.05, and exclusive jurisdiction of violations of the Villages' ordinances.

(H) Procedure.

(1) The Municipal Court shall be open as determined by order of the Municipal Judge.

(2) The Municipal Judge may keep his/her office in the Village of Deerfield, Village Hall, and may keep all papers required under Wis. Stats., 755.11 at the Deerfield Village Hall. The Municipal Judge may hold court sessions in either the Deerfield or Cambridge Village Hall or at such other place within any of the three Villages as the applicable Village Boards may designate.

(3) The procedure in Municipal Court shall be as provided by this ordinance and state law including, but not excluding because of enumeration, Wisc. Stats., Chpts. 66, 345, 755, 800, and 814.

(4) Court sessions shall be held at a date and time as determined by the Municipal Judge.

(5) The Municipal Judge shall collect all forfeitures, fees, penalty assessments and costs in any action or proceeding before him/her and shall pay over such monies to the Village Treasurer not later than the 7<sup>th</sup> business day succeeding

receipt thereof by the Judge or other court personnel. At such time the Municipal Judge shall also report to the Village Treasurers the title of the action, the offense for which the forfeiture was imposed and the total amount of the forfeiture, fees, penalty assessments and costs, if any.

(6) The Municipal Judge shall, in writing, appoint a Municipal Court Clerk, who shall perform all duties as required by statute, and such other duties as may be required by the Municipal Judge and Villages. The Clerk's salary shall be fixed by the Village Boards. The Municipal Court Clerk shall, before entering upon the duties of his/her office, take the oath provided by Wis. Stats., 19.01, and give such bond as the boards may require. The oath and bond shall be filed with the Village Clerks. The cost of such bond shall be paid by the Villages.

(I) Contempt of Court and Penalty. As provided in Wis. Stats., 800-12(2), the Municipal Judge may impose a sanction for contempt of court, as defined in Wis. Stats., 785.01, in accordance with the procedures under Wis. Stats., 785.03. The Municipal Judge may impose a forfeiture for contempt under Wis. Stats., 800-12(1), in an amount not to exceed \$50.00, or upon nonpayment of the forfeiture and applicable penalty assessments, impose a jail sentence not to exceed 7 days.

(J) Juvenile Provisions. Pursuant to the authority of Wis. Stats., 938.17(2)(cm) the Municipal Court is authorized to utilize the procedures, dispositional alternatives and sanctions for juveniles set forth in the Juvenile Justice Code found in Chapter 938 of the Wisconsin Statutes, which is hereby adopted by reference, as may be amended, as if set forth fully herein. The following sections regarding jurisdiction, procedures, dispositional alternatives and sanctions are hereby specifically noted and adopted by reference:

Jurisdiction and Proceedings:

Wis. Stats., 938.17

Wis. Stats., 938.237

Dispositional Alternatives:

Wis. Stats., 938.342 Truancy/School Dropout Ordinance Violations

Wis. Stats., 938.343 Civil Law or Ordinance Violations

Wis. Stats., 938.344 Liquor, Beer and Drug Violations

Sanctions

Wis. Stats., 938.355(6)

(K) Deposit Schedule.

(1) Deposit Schedule Established. The Municipal Judge shall establish and submit to the Village Boards for approval in accordance with Wis. Stats., 800.03(3), a schedule of deposits for violations of Village Ordinances, resolutions and bylaws, except traffic regulations which are governed by Wis. Stats., 345.27, and boating regulations which are governed by Chpt. 30, Wis. Stats., and ATV regulations which are governed by Chpt. 23, Wis. Stats.

(2) Traffic, Boating and All-terrain Vehicle Deposits. The Deposit Schedule established by the Wisconsin Judicial Conference and the procedures set forth in Chs. 23, 30, and 345, Wis. Stats., 30.77 and all-terrain vehicle regulations enacted in accordance with Wis. Stats., 23.33.

(3) Stipulation and Deposits in Lieu of Court Appearance. Persons cited for violations of Village ordinances for which a deposit has been established under

this section shall be permitted to make a stipulation of no contest and a deposit in lieu of court appearance as provided in Wis. Stats., 800.03, 800.04 and 800.09. Deposits may be made in cash or by money order or certified check, in person or by postage paid United States mail, addressed to the Municipal Court, who shall provide a receipt therefore.

- (L) Abolition. The court established pursuant to this ordinance shall not be abolished during a Municipal Judge's term, but may be abolished by any of the Villages effective at the conclusion of a Municipal Judge's term by providing notice to the other Villages no less than 60 days prior to the date on which the first nomination papers must be filed for the succeeding term. If such notice is timely given, the joint municipal court shall have no jurisdiction to undertake new municipal court matters at the conclusion of the Municipal Judge's term. No less than 30 days prior to the end of said term, the Municipal Judge shall prepare a summary report of pending matters and resolve all administrative issues as promptly as possible. Upon confirmation that all matters have been satisfactorily addressed, the Villages shall adopt ordinances formally abolishing the joint municipal court.
- (M) Effective Date. The intent of this ordinance is to create a Joint Municipal Court commencing with the judicial term beginning on May 1, 2009.