

ORDINANCE NO. 23- 01

AN ORDINANCE TO REPEAL ORDINANCE NO. 80-21 (AN ORDINANCE IMPLEMENTING THE OPTIONAL POWERS OF THE FIRE AND POLICE COMMISSIONERS) AND TO REPEAL AND RECREATE SECTION §14-4 BOARD OF FIRE AND POLICE COMMISSIONERS, OF THE MUNICIPAL CODE OF HALES CORNERS, WISCONSIN, TO RESCIND THE OPTIONAL POWERS PREVIOUSLY GRANTED TO BOARD OF FIRE AND POLICE COMMISSIONERS

WHEREAS, the Village Board passed and adopted Ordinance No. 80-21 on May 12, 1980 to adopt the Optional Powers for the Board of Fire and Police Commissioners under Wis. Stat. § 62.13(6), pursuant to an election held on April 1, 1980; and

WHEREAS, a requested referendum to rescind the optional powers provisions previously adopted was approved by the electors on April 4, 2023.

NOW, THEREFORE, the Village Board of the Village of Hales Corners, Wisconsin, do ordain as follows:

SECTION 1: Ordinance No. 80-21 (An Ordinance implementing the optional powers of the fire and police commissioners), be and the same is hereby repealed, and Section §14-4 of the Municipal Code of Hales Corners, Wisconsin, is hereby repealed and recreated, by way of the deletion of the subsection F. optional powers provision, to read as follows:

A. The Village President, with the advice and approval of the Village Board, shall appoint five members of the Board of Fire and Police Commissioners for terms expiring upon the appointment of their respective successors in the years 1963 to 1967, both inclusive. After the initial appointments, beginning with the year 1963 each appointment shall be made for the term of five years as provided by statute. The tenure and authority of each member appointed under this section and all powers and duties arising from such appointment shall terminate automatically, if not previously terminated, upon the expiration of 60 days after the expiration of the specified chronological time limit of such appointment term, regardless of the lack of appointment of a successor, and no such appointee shall thereafter have any of the power, authority or duties of a member, de facto, holdover or otherwise.

[Amended 7-13-1998 by Charter Ord. No. 7]

B. The Board of Fire and Police Commissioners shall have the authority to appoint and remove the Chief of Police and the Chief of the Fire Department, who shall hold their offices during good behavior, subject to suspension or removal by the Board for cause, in accordance with Wis. Stat. § 62.13.

C. The Board of Fire and Police Commissioners shall serve as an appeals board in case of dismissals and suspensions of Police Department and Fire Department personnel; shall adopt, repeal or modify the rules

calculated to secure the best service in the departments; and shall have such other authority and duties as prescribed by Wis. Stat. § 62.13.

D. The jurisdiction of the Board of Fire and Police Commissioners shall extend to any personnel assigned, including employees designated "paid on premise" firefighters.

[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

E. Under the Village by-laws, the Village Board elects not to have the Village President as a member of said Commission.

SECTION 2: The terms and provisions of this ordinance are severable. Should any term or provision of this ordinance be found to be invalid by a court of competent jurisdiction, the remaining terms and provisions shall remain in full force and effect.

SECTION 3: All ordinances and parts of ordinances in contravention to this ordinance are hereby repealed.

SECTION 4: This ordinance shall take effect and be in force from and after its passage and publication.

PASSED AND ADOPTED this 24th day of April, 2023.




Daniel J. Besson, Village President

Countersigned:


Sandra M. Kulik, Administrator/Clerk