CHAPTER 1
GENERAL GOVERNMENT

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1.01 VILLAGE BOARD POWERS

1) The Town Board has Village Board powers pursuant to Section 60.22(3), Wisconsin Statutes, by resolution heretofore adopted at the Annual Town Meeting.

Revised February 2003

1.02 ELECTED OFFICIALS

1) The elected officials of the Town shall consist of the following:

2) TOWN BOARD MEMBERS

(a) The Town Board shall consist of five (5) Supervisors, one of whom shall be designated on the ballot as Chairperson. The Chairperson shall be elected in odd-numbered years for a period of two (2) years. The Town shall elect two (2) Supervisors in odd-numbered years and two (2) Supervisors in even-numbered years for two (2) year terms.

3) TOWN CLERK
Revised 1.21.2020 Ordinance 390

4) MUNICIPAL JUDGE

(a) Elected in odd-numbered years for a term of four (4) years.

Revised February 2003, 11.18.2008 Ordinance 292, 6.16.2009 Ordinance 297, 1.21.2020 Ordinance 390

1.03 APPOINTED OFFICIALS

The appointed officials of the Town shall consist of the following:

OFFICIAL	HOW APPOINTED	TERM
Town Assessor	Town Chairperson, subject to confirmation by the Town Board	Indefinite
Building Inspector	Town Chairperson, subject to	Indefinite

	confirmation by the Town Board	
Administrator	Town Chairperson, subject to confirmation by the Town Board	Indefinite
Treasurer	Town Board	Not to exceed three years commencing March 1 of the year of appointment
Town Clerk	Town Board	Not to exceed three years commencing March 1 of the year of appointment

Revised 07.16.2024 Ordinance 430

1) TOWN CLERK

(a) The Town Clerk shall perform all of the following duties:

i. All of the duties pursuant to Section 60.33, Wisconsin Statutes.
ii. Prepare meeting agendas when directed to do so by Town Board members.
iii. Serve as a voting member of the Administrative Committee and as Clerk of the Board of Review.
iv. Perform all election duties as required by the "Wisconsin Statutes" and keep and maintain all election records and all property used in conjunction with holding of elections.
v. Publish all legal notices unless otherwise provided, file and preserve all contracts, bonds, oaths of office and other documents to be filed elsewhere.
vi. Maintain files for the Town Board, Town meeting, and such other Boards, Committees and Commissions as may be directed.
vii. Type and distribute reports for the Town Board, and for Federal and State Agencies.
viii. Audit and obtain approval on claims charged against the Town.
ix. Administer oaths and affirmations, as required.
x. Calculate the mill rate for determining the general

tax levy.

xi. Issue or suspend licenses as directed by Town officers, the Town Board, or as otherwise appropriate.

xii. Sign checks as directed by the Town Board, Town Officials, or as otherwise appropriate.

xiii. Attend regular and Special Town Board meetings and all Town meetings and attend Committee meetings where the Clerk is a member of said Committee. The Clerk shall record, maintain and distribute the minutes of these meetings.

xiv. Be responsible for maintaining regular office hours from 8:30am to 4:30pm, Monday through Friday, except legal holidays, and shall receive and serve visitors, and answer telephone calls to the Town Hall during such hours. The Clerk shall provide at least seven (7) days' notice to the Town prior to a planned absence.

xv. Maintain appropriate insurance for Town assets and individuals who are insured by the Town.

xvi. Perform other duties as may be directed by the Town Board, by contract and by this "Municipal Code".

xvii. Prepare and file all annual recycling reports required to be filed with the "State of Wisconsin Department of Natural Resources".

Revised February 2003, 11.18.2008 Ordinance 293, 1.21.2020 Ordinance 390

1.04 RULES OF PROCEDURE

1) REGULAR MEETINGS

(a) Regular meetings of the Town Board shall be held on the second Tuesday of each month, with the exception of the April monthly meeting, which shall be held on the third Tuesday of April. Any regular meeting falling on a legal holiday shall be held on a day designated by the Town Board. The Board may also change the meeting date for other good cause.

Revised May 2025, 04.15.2025 Ordinance 439

2) SPECIAL MEETINGS

(a) Special meetings of the Town Board may be called by the Town Chairperson or two (2) Supervisors by filing a request with the Town Clerk at least twenty-four (24) hours prior to the time specified for such meeting unless for good cause, such notice is impossible or impractical, in which case shorter notice may be given, but in no case may the notice be provided less than two (2) hours in advance of the meeting. The Clerk shall immediately post a notice of the meeting together with the agenda and notify each Supervisor of the time and purpose of such meeting.

(b) If the Town Chairperson or two (2) Supervisors call a special meeting for purposes of addressing any matter at the request of a person requesting the special meeting shall pay a special meeting fee of $200.

3) PLACE OF MEETINGS

(a) All meetings of the Town Board, including special and adjourned meetings shall be held in the Town Hall or a location designated by the Town Board. Notice of a substitute meeting place shall be given to the public by posting a written notice of the substitute meeting place and time thereof on the outer door of the Town Hall at least four (4) hours prior to such meeting.

4) ADJOURNMENT TO SPECIFIC DATE

(a) The Town Board may by majority vote, adjourn from time to time to a specific date and time.

5) OPEN MEETING LAW COMPLIANCE

(a) Notice of all Town Board Meetings as well as meetings of Town Boards, Commissions or Committees shall be given to the public, the official newspaper and to requesting news media as required under Section 19.84, Wisconsin Statutes.

6) QUORUM

(a) A majority of the Town Board, Commission or Committee shall constitute a quorum of such body.

7) ORDER OF BUSINESS

(a) The business of the Town Board shall be conducted in substantially the following order:

i. Call to Order by presiding officer
ii. Pledge of Allegiance
iii. Roll Call
iv. Approval of Agenda
v. Approval of Minutes of the last regular meeting
vi. Communications
vii. Comments and Suggestions from Citizens present on items on the agenda
viii. Treasurer's report
ix. Committee reports
x. Old Business
xi. New Business
xii. Comments and suggestions of citizens present
xiii. Adjournment

8) PRESIDING OFFICER

(a) **CONTROL OF MEETINGS**

i. The Town Chairperson shall preserve order and conduct the proceedings of the meeting. The Chairperson of the meeting may recognize citizens present for comments on each item of business as it is addressed by the Board. A member may appeal the decision of the presiding officer. Such appeal is debatable and must be sustained by a majority of the members present, exclusive of the presiding officer.

(b) **ABSENCE OF TOWN CHAIRPERSON**

i. If the Town Chairperson is absent at any meeting, the Town Clerk shall call the meeting to order and preside until the Board selects a supervisor to preside for that meeting.

(c) **CLERK PRO-TEM**

i. In the absence of the Clerk, the Chairperson shall appoint a Clerk pro-tem.

(d) **PRESIDING OFFICER TO VOTE**

i. The presiding officer shall vote as a Supervisor on all questions brought before the Town Board. The Chairperson may make Motions or second Motions before the Board and need not vacate the Chair to do so.

9) ORDINANCES, RESOLUTIONS AND MOTIONS

(a) Ordinances, resolutions, communications, bylaws and other matters shall be submitted to the Town Board in writing. Unless requested by a Supervisor before final vote is taken, no ordinance, resolution or bylaw need be read in full.

10) GENERAL RULES

(a) The deliberations of the Board shall generally be conducted in accordance with the "Parliamentary Rules" contained in "Robert's Rules of Order", Newly Revised, unless otherwise provided by statute or other rules. Any person speaking must be recognized by the Chair. No Ordinance, Resolution or other Motion shall be discussed or acted upon unless it has been seconded. No Motion shall be withdrawn nor amended without the consent of the person making the same and the person seconding it.

(b) No Supervisor shall address the Board until the Supervisor has been recognized by the presiding officer. The Supervisor shall thereupon address himself/herself to the Chairperson and confine his/her remarks to the question under discussion and avoid all personalities.

(c) When two (2) or more members simultaneously seek recognition, the presiding officer shall name the member who is to speak first.

(d) When a question is under discussion, no action shall be in order, except to adjourn, recess, to lay on the table, move the previous question, to postpone to a certain date, to refer to a committee, to amend, to postpone indefinitely. These Motions shall have precedence in the order listed.

(e) Any member desirous of terminating the debate may move the previous question, in which event the Chairperson shall announce the question as shall the main question now be put? If a majority of the members vote in the affirmative, the main question shall be taken without further debate, its effect being to put an end to all debate and bring the Board to a direct vote, first upon any pending amendment, and then upon the main question.

(f) Any Supervisor may demand an aye and nay vote on any matter and such vote shall be entered in the proceedings. Every member shall vote when a question is put unless the Board by a majority vote of those present shall excuse him or her for a special cause. A majority vote of all members of the Board in favor of any proposed ordinance, resolution or appointment shall be necessary for passage or approval, unless a larger number is required by statute. Except as otherwise provided, a majority vote of those present shall prevail in all other cases.

(g) A "Motion to Adjourn" shall always be in order. A "Motion to Adjourn", to lay on the table and the call for the previous question shall be decided without debate.

(h) No member of the Board, whether a Supervisor or the Town Chairperson, shall vote on any question involving his/her own character or conduct, his/her rights as a member or his/her pecuniary interests.

(i) Nothing herein prescribed concerning the conduct and procedure of Regular and Special Town Board meetings shall apply to the Annual Town Meeting as prescribed in Section 60.11, Wisconsin Statutes, or Special Town meetings as prescribed in Section 60.12, Wisconsin Statutes.

(j) Any member voting in the majority may move for a reconsideration of the vote on any question at that meeting or at the succeeding regular meeting. A

motion to reconsider being put and lost shall not be renewed. A supervisor may not change his vote on any question after the result has been announced.

11) SUSPENSION OF RULES

(a) These rules or any part thereof may be temporarily suspended in connection with any matter under consideration by a recorded vote of two-thirds of the members present.

12) COMMITTEE REPORTS

(a) Each committee shall, at the next regular meeting, submit a report, in writing if requested, on all matters referred to it. Such report shall recommend a definite action on each item. Any committee may require any Town officer to confer with it and supply information in connection with any matter pending before it.

13) REMOTE PARTICIPATION BY MEMBERS OF THE TOWN BOARD AND BOARD OF REVIEW

(a) Intent.

i. It is the intent of this Ordinance to allow remote participation by members of the Town Board and Board of Review and to establish procedures for such participation in a manner consistent with Wisconsin's Open Meetings Law and all other applicable provisions of Wisconsin law.

(b) Remote Participation.

i. A member of the Town Board or Board of Review may be permitted to participate in a properly noticed meeting by telephone, videoconference, or other electronic communications technology subject to the approval of the chair or presiding officer of the applicable body. Remote participation is intended to facilitate attendance when a member is

unable to attend a meeting in person and does not create a right to participate remotely.

ii. A member seeking to participate remotely shall notify the Town Clerk of the request at least twenty- four (24) hours before the meeting or as soon as practicable after the member becomes aware of circumstances requiring remote participation. The Town Clerk shall promptly forward the request to the chair or presiding officer of the applicable body for approval. The chair or presiding officer may waive the notice requirement for good cause shown.

iii. The Town shall make reasonable efforts to accommodate an approved request for remote participation but shall not postpone, cancel, or delay a meeting because the necessary technology is unavailable or a remote connection cannot be established or maintained.

iv. A member participating remotely pursuant to this Ordinance shall be considered present for purposes of establishing a quorum and may participate in discussion and vote on all matters before the Town Board or Board of Review, as applicable.

v. Meetings shall be conducted in accordance with Wisconsin's Open Meetings Law and in a manner that allows members of the public to hear all deliberations and votes.

vi. If a remotely participating member loses the ability to continuously hear the proceedings, the member shall immediately refrain from participating in discussion or voting until the connection has been restored. Temporary technical difficulties affecting a remotely participating member shall not invalidate any action taken by

the Town Board or Board of Review, provided a quorum remains present.

vii. Nothing in this ordinance shall be construed to modify or supersede any requirement of Wisconsin law applicable to the Board of Review.

(c) Administration.

i. The Town Clerk, in consultation with the chair or presiding officer of the Town Board or Board of Review, may establish reasonable administrative procedures governing requests for remote participation, the use of electronic communications technology, and public access to meetings, provided such procedures are consistent with this Ordinance and Wisconsin law.

Revised February 2003, Revised September 2026, Ordinance 451

1.05 MUNICIPAL JUDGE AND MUNICIPAL COURT

1) MUNICIPAL JUDGE

(a) **OFFICE CREATED**

i. Pursuant to Section 755.01, Wisconsin Statutes there is created the office of Municipal Judge.

(b) **ELECTION TERM**

i. The Municipal Judge shall be elected at large at the spring election in odd-numbered years for a term of four (4) years or until his/her successor is elected and qualifies, commencing immediately after receiving the oath of office.

(c) **SALARY**

i. The Municipal Judge shall receive an annual salary as established from time to time by the Town Board which shall be in lieu of fees and costs. No

salary shall be paid to the Judge for any time during their term where the Judge has not executed and filed their official bond and oath as required by paragraph (d) below.

(d) **BOND; OATH**

i. The Judge shall execute and file with the Clerk of the Circuit Court for Walworth County the oath prescribed by Sections 755.03 and 757.02, Wisconsin Statutes, and a bond in the penal sum of two-thousand ($2,000) dollars.

(e) **JURUSDICTION**

i. The Judge shall have jurisdiction as provided by law and Section 755.045, Wisconsin Statutes, and exclusive jurisdiction of violation of Town ordinances.

2) MUNICIPAL COURT ESTABLISHED

(a) The Municipal Court for the Town is established pursuant to Section 755.02 and Chapter 755, Wisconsin Statutes.

3) MUNICIPAL COURT CLERK

(a) Pursuant to Section 755.10, Wisconsin Statutes, the Municipal Court Judge shall in writing appoint such Clerk and Deputy Clerk as are authorized by the Town Board. Their salaries shall be fixed by the Town Board. The Clerk(s) shall, before entering upon duties of office, take the oath prescribed by Section 19.01, Wisconsin Statutes and give a bond if required by the Town Board. The cost of bond shall be paid by the Town. Oaths and bonds of the Clerk(s) shall be filed with the Town Clerk.

4) MUNICIPAL COURT PROCEDURE

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

(b) The Municipal Judge shall keep his office and hold court in the Town Hall.

(c) The procedure in Municipal Court shall be as provided by this Section and State law including, without limitation because of enumeration, Chapters 755 and 800, Wisconsin Statutes, and Sections 23.66 to 23.99, 345.20 to 345.53, 788.14, 788.15 and 788.18, Wisconsin Statutes.

(d) The Judge shall collect all forfeitures, penalty assessments, fees and taxable costs in any action or proceeding before the Municipal Court and shall pay over such moneys to the Town Treasurer monthly. At such time, the Judge shall also report to the Treasurer and the Town Clerk, the title, nature of offenses and total amount of judgments imposed in actions and proceedings in which such moneys were collected.

i. The action in Municipal Court may be commenced by the use of a citation to be issued for violations of ordinances of the Town, including ordinances for which a statutory counterpart exists.

ii. Collection of unpaid Municipal Court forfeitures may be through the procedures established under Chapter 66, Wisconsin Statutes, notwithstanding any other remedies that may otherwise be available.

iii. To the extent applicable, those Sections in Chapters 66, 755 and 800, Wisconsin Statutes, shall be applied to the Town of Delavan Municipal Court incorporated by reference as though set forth fully herein.

iv. Any repeal, modification, future amendment or addition to any of the foregoing statutory **Sections** shall be deemed to be incorporated automatically by reference herein as though fully set forth.

5) COURT AUTHORITY TO IMPOSE ALTERNATIVE JUVENILE DISPOSITIONS AND SANCTIONS

(a) For a juvenile adjudged to have violated an ordinance, the court is authorized to impose any of the dispositions listed in Sections 938.343 and 938.344,

Wisconsin Statutes, in accordance with the provisions of those statutes.

(b) For a juvenile adjudged to have violated an ordinance which violates a condition of a dispositional order of the court under Sections 938.343 and 938.344, Wisconsin Statutes., the Municipal Court is authorized to impose any of the sanctions listed in Section 938.355(6) (d), Wisconsin Statutes., in accordance with the provisions of those statutes.

(c) This Section is enacted under the authority of Section 938.17(2) (cm), Wisconsin Statutes.

6) CONTEMPT

(a) The Judge is authorized to impose forfeitures for the contempt and jail sentences for nonpayment as provided in Sections 800.12, and 800.095, Wisconsin **Statutes.**

Revised 10.21.08, Ordinance 291, Revised 6.16.2009, Resolution 297

1.06 TOWN ADMINISTRATOR

1) PURPOSE

(a) The purpose of this ordinance shall be to create the position of Town Administrator, set forth the method by which the office is to be appointed and removed and to delineate the duties and responsibilities of the office.

2) APPOINTMENT AND REMOVAL

(a) In order to coordinate and improve the functions and services provided to the citizens of the Town of Delavan, the position of Town Administrator is hereby created. The Town Administrator shall be appointed by an affirmative vote of at least two-thirds (2/3) of the entire Town Board for a term to be determined by the Town Board.

(b) Said Town Administrator shall serve at the pleasure of the Town Board. However, removal from office shall require a two-thirds (2/3) vote of the entire Town

Board, except that removal for cause may be pursuant to Chapter 17, Wisconsin Statutes.

3) DUTIES AND RESPONSIBILITIES

(a) The duties of the Town Administrator shall include, but not be limited to the following:

i. Develops and recommends policy for providing Town services.
ii. Acts as the Town liaison to other agencies and units of government.
iii. Administers and recommends personnel policies, practices and procedures.
iv. Provides staff support, attends and participates in Town Board and Plan Commission meetings. Attends standing Committee Meetings as directed by Town Chair. Prepares and submits reports regarding Town Government activities. Provides recommendations to the Board and other duly constituted Commissions, Boards and Committees.
v. Represents the Town to the public and developers regarding proposals, developer agreements, requests for services and information, as directed by the Town Chair.
vi. Assist in preparation of Town Board and Committee agendas in cooperation with the Town Chair and Town Clerk. Prepares news releases and informational public relations materials.
vii. Directs Town Department Heads regarding work problems and policy administration.
viii. Works in cooperation with the Finance Committee in the development, preparation and submission of the annual budget.
ix. Works closely with the Treasurer in preparation of budget reports, monitoring expenditures and recommending staffing and expenditure levels.
x. Directs Personnel Administration for the Town including recruitment, grievances, etc; leads the negotiations on wage and benefit agreements with AFSCME and Police Unions; recommends hiring, salaries, benefit plans and annual pay adjustments for non-union employees to the Town Board.

xi. Develops Multi-Year Capital Improvement Plans, consults and works with legal and bond attorneys and financial advisors to sell notes or bonds and to finance the Capital Improvement Program.

xii. Obtains and reviews insurance proposals and other service contracts.

xiii. Prepares grant applications and administers grants. Serves as coordinator for securing State and Federal grant and loan assistance for all Town programs.

xiv. Maintains knowledge of County, State and Federal legislation affecting the Town; availability of County, State and Federal funding for Town functions; budget development and administration principles; personnel supervision principles; and Town and area development trends.

xv. Maintains knowledge of developments in the field of municipal administration; attends meetings and workshops including, but not limited to, "Wisconsin City/County Management Association" (WCMA); "International City/County Management Association" (ICMA); "Wisconsin Towns Association" and "League of Wisconsin Municipalities".

xvi. Executes contracts and agreements on behalf of the Town following Town Board approval.

4) OTHER AUTHORITY

(a) In addition to the duties and responsibilities set forth herein, the Town Administrator shall have the authority to perform the following as directed by the Town Chair or their designee:

i. Responds to citizen complaints; investigates and provides recommendations regarding the complaints.

ii. Reviews Board and subcommittee meeting minutes and agendas.

iii. Submits annually to the Town Board and makes available to the public complete reports on the financial affairs of the Town and the status of municipal programs.

iv. Makes monthly reports to the Town Board concerning the operation of all Town departments, offices and special programs.
v. Keeps the Town Board fully advised as to the financial condition of the Town as well as the future financial needs of the Town.
vi. Makes recommendations to the Town Board concerning the overall management of the Town.
vii. Establishes and maintains a centralized purchasing system in the Town and approves general purchasing policies for supplies, materials and equipment.
viii. Coordinates Town of Delavan web site updates information and materials.
ix. Coordinates development activities with the Town.
x. Makes recommendations to the Town Board for innovations or programs that would improve the quality of life in the Town.
xi. Serves as Deputy Director of Emergency Government.
xii. Performs any other duties as may be lawfully directed by the Town Chair or designee of the Town Board.

Revised February 2003, revised 11.21.2006, Ordinance 281, Ordinance No. 407

1.061 TOWN TREASURER

1) **PURPOSE**

(a) The Town Treasurer shall be appointed by the Town Board, pursuant to a written agreement between that person and the Town Board. The Town Treasurer shall, at a minimum, be responsible for the performance of the following duties, together with such other responsibilities as may be agreed upon between the parties, as follows:

i. All of the duties pursuant to Section 60.34, Wisconsin Statutes.
ii. Assist the Town Board with budget preparation.
iii. Serve as a voting member of the Finance and Administrative Committees.
iv. Prepare the tax roll and tax notices as required by the State of Wisconsin.

v. Prepare financial and bank statements regarding the Town's general fiscal matters.
vi. Perform record keeping, billing, collections, banking, investments, accounting, and financial reporting of all Town operations.
vii. Develop and implement improved internal control and financial reporting procedures, in conjunction with the Town accountant, as necessary or as requested.
viii. Prepare monthly Treasurer's Report.
ix. Prepare check vouchers for payment of approved claims for signatures by authorized persons.
x. Issue checks, as appropriate, on behalf of the Town.
xi. Receive and serve visitors, and answer telephone calls to the Town Hall during such hours.
xii. Maintain payroll records and prepare payroll checks based on approved employee time sheets.

1.07 ELECTIONS

1) REGISTRATION REQUIRED

(a) Pursuant to the provision of Section 6.27, Wisconsin Statutes, the registration of voters for all elections in the Town of Delavan is authorized and required. The Town Clerk shall procure the necessary registration affidavit forms as set forth in Section 6.33 Wisconsin Statutes.

2) ESTABLISHMENT OF WARDS

(a) Town of Delavan does establish eleven wards as follows:

(b) **WARD NO. 1 THE AREA ENCOMPASSES BY THE FOLLOWING DESCRIPTION:**

WARD 1 - Population 658

i. Beginning at the southwestern corner of the Town of Delavan; thence north along the westerly boundary of the Town of Delavan to the Corporate Limits line of the City of Delavan, thence generally east and south along the Corporate Limits line of the City

of Delavan to a point where such Corporate Limits first intersect with the centerline of North Shore Drive thence south and west along the centerline of North Shore Drive to the intersection of the Centerline of North Shore Drive and the centerline of Chicago Club ; thence south along the centerline of Chicago Club, and directly south beyond that to the northern shoreline of Delavan Lake; thence generally south and east along the shoreline of Delavan Lake, to the intersection of the shoreline of Delavan Lake; thence south and east of Carol Street; thence west along the southwestern corner of the Town of Delavan and the place of the beginning.

Further Described as Census Blocks:

551270007012020	551270008002052	551270008004028	551270008004045
551270007012022	551270008002053	551270008004030	551270008004046
551270007012029	551270008002056	551270008004031	551270008004047
551270007012030	551270008002057	551270008004032	551270008004048
551270007012031	551270008004023	551270008004033	551270008004049
551270007012032	551270008004024	551270008004034	551270008004050
551270007023013	551270008004026	551270008004035	551270008004051
551270008002051	551270008004027	551270008004044	551270008004052

(b) **WARD NO. 2 THE AREA ENCOMPASSES BY THE FOLLOWING DESCRIPTION:**

WARD 2: - Population 588

i. Beginning at the intersection of the centerline of South Highway F and the centerline of Bailey Road, thence north on South Highway F; thence North on the South side of the Delavan Lake Inlet shoreline approximately 1.25 miles, then South 2.75 miles; thence East ¼ mile; thence South ¼ mile to South Highway F; thence westerly to the southwestern corner of Highway F and Bailey Road, the place of the beginning.

Further Described as Census Blocks:

551270008001074	551270008001077	551270008001084	551270008001086
551270008001075	551270008001083	551270008001085	551270008001090

(c) **WARD NO. 3 THE AREA ENCOMPASSES BY THE FOLLOWING DESCRIPTION:**

WARD 3: - Population 887

i. Beginning at the intersection of the centerline of Borg Road and the centerline of North Shore Drive; thence south and west along he centerline of the North Shore Drive to the intersection of the centerline of North Shore Drive and the Centerline of Chicago Club; thence south along the centerline of Chicago Club and beyond the end of Chicago club directly south to the northern shore line of Delavan Lake to the Corporate Limits line with the City of Delavan; thence generally west along the Corporate Limits line with the City of Delavan to its intersection with the centerline of Borg road; thence sought along he centerline of Board Road to the intersection of the centerline of North Shore D

Further Described as Census Blocks:

551270008002008	551270008002035	551270008002055	551270008003047
551270008002009	551270008002036	551270008002058	551270008003048
551270008002010	551270008002037	551270008002059	551270008003049
551270008002011	551270008002038	551270008002060	551270008003050
551270008002012	551270008002039	551270008002061	551270008003051
551270008002013	551270008002040	551270008002062	551270008003052
551270008002014	551270008002041	551270008003025	551270008003053
551270008002015	551270008002042	551270008003037	551270008003054
551270008002016	551270008002043	551270008003038	551270008003055
551270008002017	551270008002044	551270008003039	551270008003056
551270008002019	551270008002045	551270008003040	551270008003057
551270008002028	551270008002046	551270008003041	551270008003058
551270008002029	551270008002047	551270008003042	551270008003059
551270008002030	551270008002048	551270008003043	551270008003060
551270008002031	551270008002049	551270008003044	551270008003061
551270008002032	551270008002050	551270008003045	551270008003062
551270008002033	551270008002054	551270008003046	551270008003063
551270008002034			

d the place of the beginning.

Revised 09.15.2026

(d) **WARD NO. 4 THE AREA ENCOMPASSES BY THE FOLLOWING DESCRIPTION:**

WARD 4: - Population 495

i. Beginning at the centerline of Highway 67 and the southeasterly Corporate Limits line of the Town of Delavan and the Corporate Limits line of the Village of Williams Bay; thence north on Highway 67 3.25 miles; thence westerly 1.5 miles to Town Hall Road; thence north .75 mile, thence westerly .5 mile, thence south 2.5 miles; thence easterly .25 mile, thence south.25 mile to Bailey Road approximately 0.5 miles to the intersection with Theatre Road; thence east along Bailey Road to a Point Where the Corporate Limits line of the Town of Delavan and the corporate Limits line of the Village of Williams Bay turns to the South; thence follow said Corporate Limits line south then eat then south then east to the place of

beginning; and additionally beginning at the Town of Delavan/Village of Williams Bay Corporate Limits lines on the southern boundary in the southeast corner of the Town of Delavan; thence following said Corporate Limits line north then wet then north then west to its intersection with Theatre Road; thence we approximately 0.5 miles; thence south approximately 0.25 miles to the Town of Walworth Corporate Limits line; thence east along the southern boundary of the Town of Delavan to the place of beginning..

Further Described as Census Blocks:

551270008001079	551270008001088	551270016031004	
551270008001081	551270008001089	551270016031005	551270016031019
551270008001082	551270016031002	551270016031006	551270016031066
551270008001087	551270016031003	551270016031011	551270016031067

(e) **WARD NO. 5 THE AREA ENCOMPASSES BY THE FOLLOWING DESCRIPTION:**

WARD 5: - Population 607

i. Beginning at the intersection of the centerline of County Highway F North and the centerline of Marsh Road; thence easterly on Marsh Road 2 miles; thence south 1 mile; thence south and east along the south shore of the Delavan Lake Inlet shoreline; to the northern shoreline of the Delavan Lake at the inlet bridge on Highway 50; thence north and west on Highway 50 1.5 miles along the Corporate Limits Line of the City of Delavan; thence north 2.75 miles along the Corporate Limits line of the City of Delavan and place of the beginning.

Further Described as Census Blocks:

551270008001013	551270008001056	551270008003003	551270008003027
551270008001014	551270008001057	551270008003004	551270008003028
551270008001015	551270008001058	551270008003005	551270008003029
551270008001016	551270008001064	551270008003006	551270008003030
551270008001017	551270008001076	551270008003007	551270008003031
551270008001018	551270008001078	551270008003008	551270008003032
551270008001019	551270008001092	551270008003009	551270008003033
551270008001021	551270008003000	551270008003011	551270008003034
551270008001022	551270008003001	551270008003012	551270008003035
551270008001023	551270008003002	551270008003013	551270009014039
551270008001026			

(g) WARD NO. 6 THE AREA ENCOMPASSES BY THE FOLLOWING DESCRIPTION:

WARD 6: - Population 316

i. Beginning at the intersection of the centerline of County Road F North and the centerline of Marsh Road; thence north on County Road F North to Amos Road; thence 2 miles easterly on Amos Road along the Town of Sugar Creek Corporate Limits line to Highway 11; thence south1.25 miles, thence easterly .33 mile; thence southerly .33 mile; thence easterly .33 mile; thence southwesterly .5 mile; thence easterly .75 mile; thence south .25 mile; thence easterly .25 mile; thence south .5 mile; thence westerly 1.33miles; thence north .66 mile; thence westerly following Marsh Road and place of the beginning.

Further Described as Census Blocks:

551270008001005	551270008001009	551270009014014	551270009014019
551270008001006	551270008001011	551270009014015	551270009014030
551270008001007	551270008001012	551270009014016	551270009014037
551270008001008	551270008001073	551270009014017	551270009014038

(h) WARD NO. 7 THE AREA ENCOMPASSES BY THE FOLLOWING DESCRIPTION:

WARD 7: - Population 381

i. Beginning at the intersection of the centerline of County Highway P and the northern corner of the Town of Delavan ; thence south to the corporate Limits of the City of Delavan; thence east along the Corporate Limits of the City of Delavan to the intersection of the centerline of Marsh Road and the Centerline of County Highway F North; thence a north along County Highway F North and the centerline of Amos Road and the Corporate Limits line of the Town of Delavan; thence west along said Corporate Limits line of the Town of Delavan to the centerline of County Highway P and the place of beginning.

Further Described as Census Blocks:

551270007011000	551270007021000	551270008001029	551270008001045
551270007011001	551270007021001	551270008001030	551270008001049
551270007011002	551270007021002	551270008001031	551270008001050
551270007011003	551270007021003	551270008001033	551270008001067
551270007011004	551270007021008	551270008001035	551270008001068
551270007011009	551270008001027	551270008001040	551270008001091
551270007011010	551270008001028	551270008001041	

(i) WARD No. 8 THE AREA ENCOMPASES BY THE FOLLOWING DESCRIPTION:

WARD 8: - Population 830

i. Beginning at the intersection of the southern Corporate Limits line of the Town of Delavan with the Town of Walworth and the Centerline of County F; thence north along the centerline of County Highway F to the intersection of the centerline of County Highway F and the centerline of State Highway 50 to the intersection of the centerline of State Highway 50 and the shoreline of Delavan Lake; Thence south and west along said shoreline of Delavan Lake to the intersection of the southern shoreline of Delavan Lake and the centerline of the Channel of Delavan Lake located between Robbins Road and East Road; thence south and west along the center line of said Channel

located between Robbins Road and East Road to the intersection of the centerline of said Channel and the Southern Corporate Limits line of the Town of Delavan; thence east along the southern Corporate Limits line of the Town of Delavan to the intersection of the southern Corporate Limits line of the Town of Delavan and centerline of County Highway F and the place of beginning.

(i) WA Further Described as Census Blocks:

551270008004000	551270008004011	551270008004065	551270008005010
551270008004001	551270008004012	551270008005000	551270008005011
551270008004002	551270008004013	551270008005001	551270008005012
551270008004003	551270008004019	551270008005002	551270008005013
551270008004004	551270008004020	551270008005003	551270008005014
551270008004005	551270008004021	551270008005004	551270008005015
551270008004006	551270008004022	551270008005005	551270008005016
551270008004007	551270008004025	551270008005006	551270008005017
551270008004008	551270008004029	551270008005007	551270008005018
551270008004009	551270008004060	551270008005008	551270016031018
551270008004010	551270008004064	551270008005009	

(j) WARD No. 9 THE AREA ENCOMPASES BY THE FOLLOWING DESCRIPTION:

WARD 9: - Population 359

i. Beginning at the southwest of Carol Street the centerline of South Shore Drive along the Town of Delavan Corporate Limits line to the northern shoreline of Delavan lake; then generally south and east along the shoreline of Delavan Lake the centerline of the Channel of Delavan Lake located between Robbins Road and East Road; thence south and east along the centerline of said Channel located between Robbins Road and East Road to the intersection of the centerline of said channel and the southern Corporate Limits of the Town of Delavan; thence west along the southern Corporate Limits of the Town of Delavan and the place of beginning.

Revised 09.15.2026

Further Described as Census Blocks:

551270008004014	551270008004037	551270008004043	551270008004058
551270008004015	551270008004038	551270008004053	551270008004059
551270008004016	551270008004039	551270008004054	551270008004061
551270008004017	551270008004040	551270008004055	551270008004062
551270008004018	551270008004041	551270008004056	551270008004063
551270008004036	551270008004042	551270008004057	

(k) WARD No. 10 THE AREA ENCOMPASES BY THE FOLLOWING DESCRIPTION:

WARD 10: - Population 128

i. Beginning at the intersection of the centerline of Town Hall Toad and the intersection centerline of State Road 67 along the Village of Williams Bay, thence north along the centerline of Highway 67 to the Centerline of Mound Road; thence west to the beginning of the bridge on Mound Road over Jackson Creek; thence south .5 mile; thence east .5 mile; thence south .75 mile to the centerline of Town Hall Road, then easterly on Town Hall Road to the place of beginning.

(l) WARD No. 11 THE AREA ENCOMPASES BY THE FOLLOWING DESCRIPTION:

WARD 11: - Population 36

i. Beginning at the intersection of the centerline of Bailey Road and Theatre Road, thence south along Theatre Road to a point where the east-west boundary of the Village of Williams Bay/Town of Delavan joins Theatre Road, thence west approximately one-quarter mile, thence west approximately one-quarter mile, Thence west approximately one-quarter mile, thence north approximately one-half mile to the centerline of Bailey Road, thence east along Bailey Road approximately one-half mile to the place of beginning.

Revised 09.15.2026

Further Described as Census Blocks:

551270016031017	

3) LOCATION OF POLLING PLACES

(a) All electors residing in the Town of Delavan shall vote at the Town of Delavan Community Center located at 1220 South Shore Drive, Town of Delavan; Walworth County, Wisconsin.

4) ELECTION OFFICIALS; VOTING

(a) APPOINTMENT OF INSPECTORS AND CLERKS

i. Except as otherwise provided by the "Wisconsin Statutes" or this "Municipal Code", there shall be seven (7) inspectors for each polling place at each election held within the Town, each of whom shall be a qualified elector in the Town and able to functionally read and write the English language and not a candidate to be voted for at such election. At elections where voting machines are used, ballot clerks shall not be employed.

(b) NOMINATIONS

i. Pursuant to Section 7.30 (4), Wisconsin Statutes, the Town Chairperson shall nominate to the Town Board, at the first regular meeting in December of each odd numbered year the necessary election official for each polling place. There shall be 7 inspectors for each polling place at each election in which a general election is to be held.

(c) NOTICE, COMPENSATION AND TENURE

i. The Town Clerk shall thereupon notify the inspectors and clerks of their appointments and the confirmation thereof by the Town Board informing each that they shall file an oath of office within ten (10) days after the mailing of such notice.

The persons so qualified as inspectors and clerks shall receive as compensation such amounts as set from time to time by the Town Board and shall hold office for two (2) years as such officers at every primary, general, municipal and special election following their appointment held within their districts during such term;

(d) VACANCIES AND DUTIES OF ELECTION OFFICIALS

i. Vacancies in the offices of election inspectors or clerks shall be filled in the manner provided in Section 7.30 (2) b, Wisconsin Statutes, together with such additional duties as prescribed by the Town Board.

(e) VOTING

i. All provisions of Chapter 6, Wisconsin Statutes, as the same pertain to any and all Town elections or any election held within the Town are hereby incorporated by reference. The Town Clerk, upon notifying each inspector and clerk, shall instruct each official as to their duties and responsibilities.

5) REDUCTION OF NUMBER OF ELECTION OFFICIALS

(a) Pursuant to Section 7.32, Wisconsin Statutes, the governing body or board of any municipality may by resolution reduce the number of election officials and modify or rescind any similar previous action. No such action may reduce the number of officials at a polling place to less than three (3).

6) POLLING HOURS

(a) The polls shall be open on election days from 7:00 a.m. to 8:00 p.m.

7) USE OF AUTOMATED TABULATING EQUIPMENT OR ELECTRONIC VOTING SYSTEM

(a) If authorized under Section 5.91, Wisconsin Statutes, the Town may use automated tabulating equipment or electronic voting systems.

8) TWO SETS OF ELECTION WORKERS FOR TWO SHIFTS

(a) There shall be two (2) shifts for election workers on election days. The first shift shall commence at 6:30AM and end at 2:00PM. The second shift shall commence at 1:30PM and end with the completion of all required Election Day duties that follow the closure of the polls.

Revised February 2003, 12.15.2009 Ordinance 302, 4.20.2010 Ordinance 306. Resolution 4.2011.7.19.2011, 8.2011 8.16.2011

1.08 CODE OF ETHICS

1) PURPOSE

(a) Pursuant to Section 19.59(1), Wisconsin Statutes., the purpose of this Code of Ethics is to enable public officials and employees, both appointive and elective, to conduct themselves in a manner that will tend to preserve public confidence and respect for the government of the Town and to treat all citizens with courtesy, impartiality, fairness, and equality under the law.

2) DEFINITIONS

(a) **THE TERM USED IN THIS "MUNICIPAL CODE" ARE HERBY DEFINED AS:**

i. **OFFICIAL OR EMPLOYEE**

1. Any person elected or appointed to, or employed or retained by, any public office or public body of the municipality, whether paid or unpaid and whether part time or full time, and including all Committee and Commission members.

ii. **PUBLIC BODY**

1. Any agency, board, body, commission, committee, department or office of the municipality.

iii. **FINANCIAL INTEREST**

1. Any interest which shall yield, directly or indirectly, a monetary or other material benefit (other than the duly authorized salary or compensation for his/her services to the municipality) to the official, employee or to any person employing, retaining the services of the official or employee.

iv. **PERSONAL INTEREST**

1. Any interest arising from blood or marriage relationships or from close business or political association whether or not any financial interest is involved.

v. **IMMEDIATE FAMILY MEMBER**

1. An individual's spouse and an individual's relative by marriage, lineal descent or adoption who receives, directly or indirectly, more than one-half (1/2) of his/her support from the individual or from whom the individual receives, directly or indirectly, more than one-half (1/2) of his/her support.

vi. **CANDIDATE FOR PUBLIC OFFICE**

1. A candidate for public office means any individual who files nomination papers and a declaration of candidacy or any individual appearing as a write-in candidate who has filed a declaration of candidacy.

3) APPLICATION

(a) This Ordinance shall be applicable to all officials defined under Subsection (2) herein, the immediate family members of the fore stated official, and candidates for public office.

4) FAIR AND EQUAL TREATMENT

(a) **IMPARTIALITY**

i. No official or employee shall request, use or permit the use of, any consideration, treatment, advantage or favor beyond that which it is the general practice to grant or make available to the public at large.

(b) **USE OF PUBLIC PROPERTY**

i. No official or employee shall request, use or permit the use of, any publicly owned or publicly supported property, vehicle, equipment, material, labor or service for the personal convenience or the private advantage of him/herself or of any other person. This rule shall not be deemed to prohibit an official or employee from requesting, using or permitting the use of such publicly owned or publicly supplied property, vehicle, equipment, material, labor or service which it is the general practice to make available to the public at large or which are provided as a matter of stated public policy for the use of officials and employees in the conduct of official business.

5) CONFLICT OF INTEREST

(a) **FINANCIAL OR PERSONAL INTEREST**

i. No official or employee, either on his/her own behalf or on behalf of any other person, shall have any financial or personal interest in any business or transaction with any public body in the municipality unless he/she shall first make full

public disclosure of the nature and extent of such interest.

(b) **DISCLOSURE AND DISQUALIFICATION**

i. Whenever the performance of his/her official duties shall require any official or employee to deliberate and vote on any matter involving his/her financial or personal interest, he/she shall publicly disclose the nature and extent of such interest and disqualify him/herself from participating in the deliberations in his official capacity as well as in the voting.

(c) **EXCEPTIONS**

i. Paragraphs (a) and (b) do not prohibit a local public official from taking any action concerning the lawful payment of salaries or employee benefits or reimbursement of actual and necessary expenses, or prohibit a local public official from taking official action with respect to any proposal to modify a municipal ordinance.

(d) **DISCLOSURE**

i. Elected officials and members of the Plan Commission shall disclose any legal and/or equitable interest, which they might have in any real estate subject to the deliberation of the Commission.

(e) **INCOMPATIBLE EMPLOYMENT**

i. No official or employee shall engage in private employment with, or render service for, any private person who has business transactions with any public body of the municipality, unless he/she shall first make full public disclosure of the nature and extent of such employment or services.

(f) **REPRESENTATION OF PRIVATE PERSONS**

i. No official or employee shall use or attempt to use his/her official position to secure special privileges or exemptions for him/herself or others except as may be otherwise provided by law.

(g) **COMPENSATION, GIFT, REWARD OR GRATUITY**

i. No officer or employee of the Town shall directly solicit, receive or agree to receive any compensation, gift, reward or gratuity from any source for any matter or proceeding connected with or related to the duties of such officer or employee, unless otherwise provided for by law. This provision is not intended to restrict usual social amenities or to refer to unsubstantial advertising gifts. Compensation, gifts, reward or gratuities within the meaning of this subsection which practically cannot be returned shall immediately be turned over to the Town and be considered by it as Town property.

(h) **CONFIDENTIAL INFORMATION**

i. No official or employee shall, without prior formal authorization of the public body having jurisdiction, disclose any confidential information concerning any other official or employee, or any person, or any property or governmental affairs of the municipality.

(i) **WHETHER OR NOT IT SHALL INVOLVE DISCLOSURE**

i. No official or employee shall use or permit the use of any such confidential information to advance the financial or personal interest of him/herself or any other person

(j) **FINANCIAL GAIN**

i. No official or employee may use his/her public position or office to obtain financial gain or anything of substantial value for the private benefit of him/herself or his/her immediate family,

or for an organization with which he/she is associated.

(k) **PROHIBITION ON RECEIPT OF GOODS OR SERVICES**

i. No person may offer or give to an official or employee, directly or indirectly, and no official or employee may solicit or accept from any person, directly or indirectly, anything of value if it could reasonably be expected to influence the official's or employee's vote, official actions or judgment, or could reasonably be considered as a reward for any official action or inaction on the part of the official or employee. This subsection does not prohibit an official or employee from engaging in outside employment.

(l) **MISUSE OF PUBLIC POSITION**

i. No official or employee may use or attempt to use his/her public position to influence or gain unlawful benefits, advantages or privileges for him/her or others.

(m) **DISCLOSURE OF FINANCIAL INTEREST**

i. No official, employee, member of an official’s or employee’s immediate family, nor any organization with which the official, employee or a member of the official’s or employee’s immediate family owns or controls at least 10% of the outstanding equity, voting rights, or outstanding indebtedness may enter into any contract or lease involving a payment or payments of more than three-thousand ($3,000) dollars within a twelve (12) month period, in whole or in part derived from Town funds unless the official or employee has first made written disclosure of the nature and extent of such relationship of interest to the Town Board. Any contract of lease entered into in violation of this subsection may be voided by the Town.

6) STATEMENT OF ECONOMIC INTERESTS

(a) Every candidate for elected office and every elected official shall file with the Town Clerk a statement of economic interests in the form and manner prescribed by the Town Board provided, however, said statement shall be in substantial conformity with the requirements of Section 19.44, Wisconsin Statutes.

7) ETHICS OPINION FROM TOWN ATTORNEY

(a) Any Town Board member or any elected or appointed Town employee may ask the Town Attorney, in writing, to provide an ethical opinion regarding any issue that is specifically related to this Section. By publication of this Section, any person requesting such an opinion is hereby given notice that the Town Attorney represents the Town Board and not the requesting party, and that any such communications are confidential as to any other person or entity with the exception of the Town Board. Any request for an ethics opinion, or any given by the Town Attorney in response to such a request, shall be made in a timely manner, in writing, and shall simultaneously be provided to the requester and to the Town Board. Any such communication to the Town Board shall be presumed for all purposes to be a confidential attorney-client privileged communication, pursuant to SCR 20:1.6 and Section 905.03, Wisconsin Statutes, between the Town Attorney and the Town Board. The Town Attorney shall not be deemed for any purposes or proceedings to represent the person or entity requesting an ethical opinion, due to the Town Attorney receiving such a request, or responding to such a request. The Town Board shall not be obligated to act in accordance with any ethical opinion, but any such opinion shall only be considered advisory. Any individual or entity authorized herein may request an ethical opinion, but only during such time as that individual is elected or appointed to office. Any information obtained by the Town Attorney in order to prepare an ethics opinion shall be confidential in accordance with the limitations herein.

(b) It is *prima facie* evidence of intent to comply with this section, or any ordinance enacted under this section, when a person or entity refers a matter to the Town Attorney and abides by the opinion so given, if the material facts are as stated in the request.

(c) The Town Attorney may, with the consent of the Town Board, make public any information related to an ethics opinion, including the identity of the requesting party. The consent of the party requesting an opinion shall not be required to make that party's identity public, nor shall it be required to make the ethical opinion public.

(d) The Town Attorney may refuse to respond to any request for an ethics opinion if the Town Attorney determines, in his/her sole discretion, that providing a response is not in the best legal interests of the Town of Delavan.

8) PENALTIES

(a) Any person who shall violate Subsection 6 above may be subjected to the Clerk having that person's name omitted from the ballot if the person is a candidate for office or if the person is an elected official, the Treasurer may withhold the salary and expenses of that person until that person complies with Subsection 6 above.

(b) Any person who shall violate Section 1.08 (except 1.08(6)) shall be subject to a penalty as provided in Section 25.04 of this Municipal Code.

Revised February 2003

1.09 SALARIES

1) The compensation of all elected and appointed officials, including members of Boards and Commissions, shall be as determined by the Annual Town Meeting, or the Town Board where applicable, provided salaries and compensation rates of elected officials shall not be increased or reduced during their terms of office, pursuant to Section 60.32, Wisconsin Statutes.

Revised February 2003

1.10 OFFICIAL MAP

1) The Town Clerk or designee shall keep and maintain an official map of the Town of Delavan. Said map shall be approved by the Town Board and updated by January 31 of even numbered years. Street names appearing on said map shall be official street names pursuant to this ordinance.

2) Any modification of the official map may be made by the Town Board. Modifications shall be made to coincide with street name changes; annexations, boundary adjustments, or such other matters as may be deemed advisable by the Town Board and as permitted by law. Once a change is made, the Clerk shall cause said change to be incorporated into said official map.

Revised February 2003, revised 05.18.2023 Ordinance 414

1.11 CREATION OF COMMISSIONS AND COMMITTEES

1) Each of the following standing Committees and Commissions as established in sections 1.11 2) through 1.11 11) to serve in an advisory capacity to the Town Board of the Town of Delavan are subject to the following requirements.

(a) Respective Committee/Commission Chairs will be responsible for creating meeting agendas and delivering them to the Town Clerk no later than 48 business hours prior to the date and time of the meeting. The Town Administrator will be responsible for the Committee of the Whole and Town Board Agendas.

(b) Respective Committee/Commission Co-Chairs will be responsible for creating and submitting the minutes and delivering them to the Town Clerk no later than 48 business hours prior to the date and time of the next Committee/Commission meeting. The Town Clerk will be responsible for the Committee of the Whole and Town Board Minutes.

(c) The standing Committees/Commissions shall meet upon the call of the Chair of the respective Committee/Commission. Special meetings of the standing Committees/Commissions may be called by two (2) members of the Committee/Commission by filing a request with the Committee/Commission Chair at least

forty-eight 48) hours prior to the time specified for such meeting.

Revised 11.19.2024 Ordinance 435

2) ADMINISTRATIVE COMMITTEE

(a) **PURPOSE**

i. The purpose of the Administrative Committee is to provide an outstanding framework for internal systems of the Town of Delavan. This shall be accomplished by reviewing all Insurance, Licensing, Assessment, Employment and Personnel issues; by establishing policy and personnel criteria; and by identifying system concerns and problems and recommending solutions to the Town Board.

(b) **MEMBERSHIP**

i. Membership of the Administrative Committee shall include two (2) Town Board members, the Town Treasurer, the Town Clerk, the Town Administrator, and two (2) voting citizen members. The Town Code Enforcement Officer shall serve as a nonvoting member. One of the Town Board members shall serve as Chair and the other Town Board member shall serve as Co-Chair.

(c) **TERMS OF OFFICE**

i. **T**he Town Board Members shall serve during their respective terms of office, so long as they are appointed as set forth herein.
ii. The Town Administrative Coordinator shall serve as a voting member, during his/her employment with the Town, so long as he/she is appointed as set forth herein.
iii. The Citizen Members shall be appointed for a term of two (2) years. The citizen member(s) shall serve until a successor has been appointed.

3) FINANCE COMMITTEE

(a) **PURPOSE**

i. The purpose of the Finance Committee is to insure that the finances of the Town of Delavan are administered within the guidelines of Town policies, to implement sound financial practices and appropriate systems of internal control, to be sure operating budgets are established, to prepare annual budgetary recommendations to the Town Board, to review and recommend action on expenditures.

(b) **MEMBERSHIP**

i. Membership of the Finance Committee shall include two (2) Town Board members, the Town Treasurer, the Town Clerk, two (2) citizen members, all of whom shall serve as voting members and the Town Administrator, who shall serve as a non-voting member. One of the Town Board members shall serve as Chair and the other Town Board member shall serve as Co-Chair.

(c) **TERMS OF OFFICE**

i. The Town Board member(s) of the Finance Committee shall serve on the Committee during their respective terms of office, so long as they are appointed as set forth herein.

ii. The Citizen members of the Finance Committee shall be appointed initially, one (1) member for a term of one (1) year, and the second member for a term of two (2) years. Members shall serve until their successors have been appointed.

4) FIRE AND RESCUE COMMITTEE

(a) **PURPOSE**

i. The purpose of the Fire and Rescue Committee shall include two (2) Town Board members, two (2) members of the Fire Department, one (1) of whom shall be the Fire Chief, one (1) member of the Rescue Squad

and two (2) voting citizen members. One of the Town Board members shall serve as Chair and the other Town Board member shall serve as Co-Chair.

(b) **MEMBERSHIP**

i. Membership of the Fire and Rescue Committee shall include one (1) Town Board member, two (2) members of the Fire Department, one (1) of whom shall be the Fire Chief, one (1) member of the Rescue Squad and three (3) citizen members, one of whom may also be a Town Board member.

(c) **TERMS OF OFFICE**

i. The Town Board member(s) on said Committee shall serve on the committee during their terms of office, so long as they are appointed as set forth herein.
ii. The Fire Chief will be appointed for a six (6) year term initially, and reappointed thereafter annually, so long as the Fire Chief is in office.
iii. The remaining Fire Department member and the Rescue Squad member shall be recommended to serve by their respective departments.
iv. The citizen members, including the fire department and rescue squad members, shall be appointed initially, one (1) member for a one (1) year term, one (1) member for a two (2) year term, one (1) member for a three (3) year term and one member for a four-year term. All subsequent appointments shall be for a term of four (4) years. Members shall serve until their successors have been appointed.

5) LAKE COMMITTEE

(a) **PURPOSE**

i. The purpose of the Lake Committee is to investigate and recommend to the Town Board any and all activities which would contribute to the improvement, protection and rehabilitation of

Delavan Lake. The Lake Committee will work closely with the DNR, the USGS, the DLSD, and any other agencies necessary to continue to promote the health of Delavan Lake. The committee shall also be responsible for making recommendations to the Town Board regarding the aquatic plant management of the Lake, as well as promoting projects to reduce shoreline erosion, developing ongoing water quality issues, and cooperating with the **DNR** in their fish management program.

(b) **MEMBERSHIP**

Membership of the Lake Committee shall include two (2) members of the Town Board, one (1) DLSD Commissioner, one (1) representative appointed by the City of Delavan Council, one (1) representative appointed by the Delavan Lake Improvement Association, three (3) citizen members, all of whom shall act as voting members. In addition, the membership of the Lake Committee shall include as non-voting members one (1) representative of the Walworth County Soil and Watershed Protection Producer Group, and the DLSD Administrator. The four (4) citizen members, the representative of Delavan Lake Improvement Association and the representative of the Walworth County Soil and Watershed Protection Producer Group shall be appointed by the Town Chair and confirmed by the Town Board. One of the Town Board members shall serve as Chair and the other Town Board member shall serve as Co-Chair.

Revised 9.9.2025, Ordinance 442

(c) **TERMS OF OFFICE**

i. The Town Board member(s) shall serve during their respective terms of office, so long as they are appointed as set forth herein.

ii. The DLSD Commissioner shall serve a two (2) year term, and be reappointed by the Town Board on a recommendation received from the DLSD Commissioners.

iii. The City of Delavan and City of Elkhorn representatives shall be appointed by the Town Board on a recommendation from the City of Delavan Mayor and City of Elkhorn Mayor.

iv. The Citizen Members shall be appointed initially, one (1) member for a term of one (1) year, one (1) member for a term of two (2) years and one (1) member for a term of three (3) years. All subsequent citizen member appointments shall be for a term of three (3) years. Citizen members shall serve until their successors have been appointed.

v. The DLSD Administrator shall serve during his term of employment by the District and the representatives of the Walworth County Soil & Watershed Protection Producer Group and the Delavan Lake Improvement Association shall each serve indefinite term at the pleasure of the Town Board.

(d) **REMOVAL.** Notwithstanding any other provision herein to the contrary, the Chair of the Lake Committee is authorized to remove from the Lake Committee any member with three unexcused absences from properly called Committee meetings in any twelve-month period. The Chair shall determine whether any absence is excused.
Revised 06.10.2025 Ordinance 440

6) PARK & TOURISM COMMITTEE

(a) **PURPOSE**

i. The purpose of the Park and Tourism Committee is to follow the current Park and Recreation Comprehensive Plan, enhance existing parks, prepare for new parks as population and new developments warrant and promote tourism throughout the Town of Delavan.

(b) **MEMBERSHIP**

i. Membership of the Park & Tourism Committee shall include two (2) Town Board members, and three (3) voting citizen members. The Town Administrator and one Director of Delavan Friends of the Park, Inc. shall serve as a nonvoting member. One of the Town Board members shall serve as Chair and the other Town Board member shall serve as Co-Chair.

(c) **TERMS OF OFFICE**

i. The Town Board member(s) of the Park & Tourism Committee shall serve on the Committee during their respective terms of office, so long as they are appointed as set forth herein.
ii. The Citizen members of the Park & Tourism Committee shall be appointed initially, one (1) member for a term of one (1) year, the second member for a term of two (2) years, and the third member for a term of three (3) years.
iii. All subsequent appointments shall be for a term of three (3) years.

7) POLICE COMMITTEE

(a) **PURPOSE**

i. The purpose of the Police Committee is to be a pro-active element in the fight against crime; to educate the citizenry in ways to deter crime, to educate the citizenry in ways to become more secure, not only in their own homes but through citizen interaction in the entire community.

(b) **MEMBERSHIP**

i. Membership of the Police Committee shall include two (2) Town Board members who shall serve as the Committee Chair and Co-chair, the Town of Delavan Police Chief, two (2) citizen members and one (1) Police Department Officer.

Amended 7.20.2021 ordinance 403

(c) **TERMS OF OFFICE**

i. The Town Board member(s) on said committee shall serve on the Committee during their terms of office, so long as they are appointed as set forth herein.
ii. The Chief of Police shall serve on the Committee so long as he/she continues to serve as the Chief of Police for the Town of Delavan.
iii. The citizen members shall be appointed initially, one (1) member for a one (1) year term, one (1) member for a two (2) year term. All subsequent appointments shall be for a term of three (3) years. Members shall serve until their successors have been appointed.
iv. The Police Department Officer Shall serve until a new police department officer appointed.

8) PUBLIC WORKS COMMITTEE

(a) **PURPOSE**

i. The purpose of the Public Works Committee shall be to provide a forum for exchange of ideas and information regarding all highway department issues, and to keep the Town Board and the people informed as to said issues, and make recommendations to the Town Board as to the Board's duties pursuant to Section 82.03, Wisconsin Statutes.

(b) **MEMBERSHIP**

i. Membership of the Public Works Committee shall include the Town Chair and one (1) Town Board member, the Town's Public Works Manager, the Town Mechanic, the Town Administrator and two (2) citizen members, all of whom shall serve as voting members. The Town Chair shall serve as Chair and the other Town Board member shall serve as Co-Chair.

(c) **TERMS OF OFFICE**

i. The Town Board members shall serve on the Committee during their respective terms of office, so long as appointed as set forth herein.
ii. The Highway Foreman, Mechanic and Administrator shall serve during their tenure.
iii. Two (2) citizen members shall be appointed initially, one (1) member for a term of one (1) year, one (1) member for a term of two (2) years. All subsequent appointments shall be for a term of three (3) years. Members shall serve until their successors have been appointed.

9) PLAN COMMISSION

(a) **PURPOSE**

i. The purpose of the Plan Commission is to ensure the property within the Town of Delavan is kept and developed in a way that is in conformity with the future goals of the Town, consistent with the directives of this Municipal Code.

(b) **MEMBERSHIP**

i. The Town of Delavan Plan Commission (hereinafter called the Commission) shall include the Town Chair, a second Town Board member and five (5) citizen members. The Town Engineer, Plan Commission Attorney and DLSD Administrator shall serve as advisors and shall have no vote. To be qualified as an appointive citizen member, said member shall be a qualified elector and resident of the Town of Delavan for a period of at least one (1) year prior to appointment. The Town Chair shall serve as Chair and the other Town Board member shall serve as Co-Chair.
ii. The Town Chair and the Town Board member shall serve on the Commission during their terms of office. Citizen members of the Commission shall be appointed initially one (1) for a term of one (1) year, one (1) for a term of two (2) years, and one

(1) for a term of three (3) years, and one (1) for a term of four (4) years. The terms shall run to the succeeding May 1, and successive appointments shall be made in April. All subsequent appointments shall be for a term of four years. Members shall serve until their successors have been appointed.

iii. Appointments to fill a vacancy shall be for the remainder of the unexpired term.

iv. All members shall serve without compensation.

(c) **ORGAINZATION, BY-LAWS AND MEETINGS**

i. As soon as possible after its initial appointment and following each appointment of members to full terms, the Commission shall organize by the election of a Co-Chair and such other officers as the Commission deems necessary.

ii. The Secretary of the said Commission may be a non-member of the Commission and, if so, shall have no vote.

iii. The Commission shall adopt such by-laws governing the conduct of its business as it, from time to time, deems proper and necessary. The adoption and amendment of by-laws shall be by a majority vote of the Commission provided, however, that every member of the Commission shall be furnished a copy of such proposed by-laws or amendments at least ten (10) days before consideration for adoption.

iv. The Commission shall meet on a regular monthly basis at a time convenient to a majority of members and at such times as may be agreed to by a majority of the Commission.

(d) **POWERS AND DUTIES**

i. The Town of Delavan Plan Commission shall have the powers and duties under the Town of Delavan Land Division Ordinance otherwise ascribed to the Walworth County Land Management Committee under the Shoreland Zoning Ordinance, Walworth County, Wisconsin.

ii. The Commission shall adopt and recommend to the Town Board, statements, policies and plans for the future development of the Town.

iii. The Commission shall advise the Town Board on matters pertaining to the subdivision and development of land in the Town as provided by ordinance.

iv. The Commission may call upon any official or employee of the Town of Delavan, Walworth County or the Southeastern Wisconsin Regional Planning Commission for aid and advice upon any matter properly within the scope of interest of the Commission.

v. The Commission may secure technical assistance or service only upon authority from and within appropriations from the Town Board.

vi. The Commission shall exercise such other powers germane to the powers granted by the State of Wisconsin and by this section as may, from time to time, be conferred upon the Commission by the Town Board.

(e) **PROCEEDINGS**

i. The Commission shall keep a written record of its proceedings which shall be open to public inspection.

(f) **ANNUAL REPORT**

i. The Commission shall submit an annual report in writing to the Town Board not later than two weeks before the annual Town meeting.

10) MUNICIPAL EMERGENCY GOVERNMENT COMMITTEE

(a) **PURPOSE**

i. The purpose of the Municipal Emergency Government Committee is to coordinate the administration of Chapter 6 of the Town of Delavan Municipal Code within and between the branches of the Town of Delavan Municipal Government, related to any

emergency condition that may arise which may affect the administration of Town government and prepare the necessary plans to address such situations.

(b) **MEMBERSHIP**

i. Membership of the Municipal Emergency Government Committee shall include the Town Chair, one (1) Town Board Member, the Police Chief, one additional Town Police Officer, the Fire Chief, the Town Treasurer, the Public Works Manager, the Town Administrator and the Delavan Lake Sanitary Administrator. The Town Chair shall serve as Chair and the other Town Board member shall serve as Co-Chair

12) APPOINTMENTS TO COMMITTEES

(c) Appointments to all standing committees shall be made by the Town Chair, subject to the approval of the Town Board.

(b) The Town Chair shall annually appoint two of the voting members of each committee to serve as Committee Chair and Co-Chair, respectively, subject to the approval of the Town Board.

14) REMOVAL FROM COMMITTEES

(a) Any person serving on a standing committee, except those who mandatorily serve by virtue of their position pursuant to this ordinance, may be removed at any time by a majority vote of the Town Board.

15) AD HOC COMMITTEES

(a) The Town Chair may establish certain AD HOC Committees which shall report to the Town Board. Further AD HOC Committees may be established by a majority vote of the Town Board. Such AD HOC Committees shall be of limited duration and shall limit their actions to the specific purpose for which said committee was

established. In lieu of reporting to the Town Board, any AD HOC Committee may, if permitted by the Town Board, report to a standing Committee or Commission of the Town of Delavan and would thereby become an AD HOC Subcommittee of that Committee or Commission.

16) RATIFICATION

(a) The Town Board does hereby ratify all actions taken by the Committees designated herein, whose actions were taken prior to the effective date of this ordinance.

17) APPLICABILITY

(a) This ordinance shall apply only to the Committees set forth herein. This ordinance shall in no way affect the Police and Fire Commission, which is governed by separate provisions of this Municipal Code.

Revised February 2003; Revised May 20, 2003, Ordinance No. 241, Revised 6.16.2009 Ordinance 297, 298, Revised 3.15.2011, Ordinance 315, Rev 5.21.2019 Ordinance 379, Rev 2.26.20 Ord 391, 5.19.2020 Ord 394, Ordinance 403

1.12 FACSIMILE SIGNATURES

1) AUTHORITY

(a) The Town Board of the Town of Delavan, pursuant to Section 60.24(1) (c), Wisconsin Statutes., authorizes the use of a facsimile signature by the Town clerk or Treasurer for the Town Chairperson to sign or

countersign all checks, drafts, or other orders for the payment of money.

2) DEFINITION

(a) **FACSIMILE** means an exact copy preserving all the marks of the original, including a facsimile signature or stamp-type replication.

3) FACSIMILE SIGNATURE

(a) The Town Clerk shall retain the custody and control of any facsimile signature or exemplar of same.

Revised February 2003

1.13 PERSONNEL HANDBOOK

1) The Town Board shall adopt written policies for personal to govern the administration of pay, benefits, and other personnel actions. Additions, deletions, amendments, or modifications may be made from time to time with the approval of the Town Board.

2) EFFECT

(a) To the extent that personnel of the Town of Delavan may be governed by separate policies, laws, collective bargaining agreements, or other regulations, the policies adopted herein shall not be pre-emptive. However, unless otherwise pre-empted, the policies adopted hereunder shall serve as a condition of continued employment with the Town of Delavan.

Revised February 2003

1.14 GRIEVANCE PROCEDURE FOR HANDICAPPED PERSONS

1) DEFINITION

(a) **A HANDICAPPED PERSON** is defined as any person who has a physical or mental impairment that substantially limits one (1) or more major life activities, has a record of such impairment, or is regarded as having

such impairment, all as set forth in 31 Code of Federal Regulations part 51.55 (31 CFRSS 51.55) (a) (1-6) which is hereby adopted and made a part of this Ordinance in the same manner as if set forth in full.

2) PROCEDURE

(a) Any person who shall feel aggrieved by any act of the Town Board of the Town of Delavan, its' elected officials, officers, agents, employees or departments, shall have the right to make such grievance known to the Town in the following manner.

(b) A handicapped grievant shall make such a grievance known to the Town Clerk either verbally or in writing except that if the grievance shall be verbal the Town Clerk shall immediately reduce the grievance to writing.

(c) The Clerk shall, within five (5) days, refer the matter to the Chairperson of the Town Board who shall appoint a member of the Town Board to hear the complainant and all interested parties and to make a recommendation to the Town Board for resolution and disposal of the grievance. The member of the Town Board shall act as an independent examiner and shall schedule a hearing on the matter within fifteen (15) days of appointment. Notice of such hearing shall be provided to all persons of interest by first class mail and all persons of interest may appear and be heard. After receipt of all evidence and statements, the examiner shall render a decision within fifteen (15) days, which decision shall be in writing. The Town Clerk shall be present at said hearing and shall make a record of all proceedings (which may be by recording) and mark all exhibits. The record made at such hearing shall be a public record and subject to Section 19.32-19.36, Wisconsin Statutes. The member of the Town Board who shall be acting as examiner shall endeavor to resolve the grievance in an amicable manner and any such informal resolution shall be reduced to writing and made part of the record of such grievance.

(d) If the Town Board examiner is unable to resolve the matter to the satisfaction of the parties, any person

dissatisfied with the examiner's decision may appeal within fifteen (15) days to the Town Board.

(e) The Town Board shall review the record in its entirety and the Town Board acting as an appeal board may in its discretion hold its own hearing at which time all interested parties may appear and be heard. The Town Board shall render its decision within fifteen (15) days and any person who is aggrieved with the Town Board decision may, within thirty (30) days, appeal said decision to the Circuit Court by Writ of Certiorari as set forth in Section 68.13, Wisconsin Statutes.

Revised February 2003

1.15 USE OF TOWN EQUIPMENT, TOOLS AND PROPERTY

1) Town equipment, including trucks, tractors, mowers, etc., and other property of the Town shall not be rented, lent or otherwise made available for use to Town residents, commercial or nonprofit enterprises or the general public without the written consent of the Town Board.

Revised February 2003

1.16 POSTING AND PUBLICATION

1) POSTING

(a) The Town Clerk shall, pursuant to Section 60.80 and Chapter 985, Wisconsin Statutes, post ordinances, resolutions and notices which are not legally required to be published in one public place and publish the notice on the municipal internet site.

2) PUBLICATION

(a) Ordinances and notices required by law to be published and such other notices as the Town Board may direct to be published shall be published in the newspaper having general circulation in the Town and eligible to publish legal notices.