

CHARTER ORDINANCES

**Chapter A500  
CHARTER ORDINANCES**

**CHARTER ORDINANCE C-1**

**AN ORDINANCE DESIGNATING THE METHOD OF  
SELECTION OF CERTAIN CITY OFFICIALS**

THE COMMON COUNCIL OF THE CITY OF ST. FRANCIS, WISCONSIN, DO ORDAIN  
AS FOLLOWS:

§ 1. Pursuant to the provisions of section 62.09(6) and section 66.01 of the Wisconsin statutes, the City Clerk and City Treasurer shall be selected by election by the voters.

§ 2. The city assessor, city attorney, and city engineer shall be selected by appointment by the mayor subject to confirmation by the common council.

§ 3. This ordinance shall take effect and be in force 60 days after its passage and publication, unless within such 60 days a referendum petition provided by section 66.01 of the Wisconsin Statutes shall be filed in the office of the City Clerk, in which event it shall not take effect until submitted to a referendum and approved by a majority of the electors voting thereon.

PASSED AND ADOPTED AT THE CITY OF ST. FRANCIS, WISCONSIN, THIS 5th DAY  
OF JANUARY, 1954.

ST. FRANCIS CODE

**CHARTER ORDINANCE C-2**

**AN ORDINANCE TO DETERMINE THE METHOD OF  
SELECTION OF CITY ATTORNEY, CITY CLERK, AND CITY TREASURER.**

THE COMMON COUNCIL OF THE CITY OF ST. FRANCIS, WISCONSIN, DOES  
ORDAIN AS FOLLOWS:

§ I. The Common Council of the City of St. Francis, Wisconsin, does hereby enact, pursuant to the provisions of Paragraphs (b) and (d) of subsection 3 of the Section 62.09 of the Wisconsin Statutes that the manner of selection of the City Attorney, Clerk, and Treasurer shall be as hereinafter provided in this ordinance.

§ II. The City Attorney, Clerk, and Treasurer shall be elected by the voters of the City of St. Francis.

§ III. All ordinances or parts of ordinances contravening the terms and provisions of this ordinance are hereby to that extent repealed.

§ IV. This is a charter ordinance and shall take effect 60 days after its passage and publication in Cudahy Reminder-Enterprise Press, and upon posting in two public places within each ward in the City of St. Francis, Wisconsin, unless within such 60 days, a referendum petition, as provided by Section 66.01 of the Wisconsin Statutes, shall be filed, in which event this ordinance shall not take effect until it shall have been submitted to a referendum of the electors and approved by a majority of the electors voting thereon.

PASSED AND ADOPTED this 18th day of April, 1955.

CHARTER ORDINANCES

**CHARTER ORDINANCE C-3**

**A CHARTER ORDINANCE  
RELATING TO THE INCLUSION OF CITY PERSONNEL  
UNDER THE WISCONSIN RETIREMENT FUND**

THE COMMON COUNCIL OF THE CITY OF ST. FRANCIS DOES ORDAIN AS FOLLOWS:

§ 1. Pursuant to sections 66.90 to 60.918 of the Wisconsin statutes, the City of St. Francis hereby elects to include eligible city personnel under the provisions of the Wisconsin Retirement Fund in accordance with the terms thereof.

§ 2. Election is hereby made to provide prior service credits at rates equal to two times the rates of municipality credits for current service, to be applicable to employees as defined by section 66.901 of the Wisconsin statutes who are employed by the City of St. Francis on the effective date.

§ 3. Upon the final enactment of this ordinance the city clerk shall submit a certified notice of the election made hereunder to the board of trustees of the Wisconsin Retirement Fund. Such notice of election shall (1) be in writing; (2) indicate the date of such election and the results of any referendum held pursuant to section 66.01 on such inclusion; (3) include a certification of the prior service contribution rate selected as being applicable to the employees of the city; (4) be officially certified by the city clerk.

§ 4. The effective date of participation shall be January 1, 1957.

§ 5. This is a charter ordinance and shall take effect 60 days after its passage and publication, unless within such 60 days a referendum petition shall be filed as provided by section 66.01 of the Wisconsin statutes, in which event this ordinance shall not take effect until submitted to a referendum and approved by a majority of the electors voting thereon.

PASSED AND ADOPTED this 7th day of February, 1956.

ST. FRANCIS CODE

**Renumbered**

**CHARTER ORDINANCE C-3A**

**(Incorrectly numbered Ordinance 224)**

**A CHARTER ORDINANCE RELATING TO THE  
ESTABLISHMENT OF A PRIMARY FOR ELECTION OF CITY OFFICIALS**

THE COMMON COUNCIL OF THE CITY OF ST. FRANCIS DO ORDAIN AS FOLLOWS:

§ 224.01. The City of St. Francis hereby elects not to be governed by that portion of section 5.24 (1)(a) of the Wisconsin Statutes, relating to the permissive method of deciding whether or not there shall be a primary for a city office whenever 3 or more candidates file nomination papers for a city office.

§ 224.02. Hereafter, instead of such permissive method, whenever three or more candidates file nomination papers for a city office, a primary shall be held for the nomination of candidates for such office. This is pursuant to section 5.24 (1)(b) of the Wisconsin Statutes.

224.03. This is a charter ordinance and shall take effect 60 days after its passage and publication, unless within such 60 days a referendum petition shall be filed as provided by section 66.01 of the Wisconsin statutes, in which event this ordinance shall not take effect until submitted to a referendum and approved by a majority of the electors voting thereon.

Passed and adopted this 3rd day of March, 1964.

CHARTER ORDINANCES

**CHARTER ORDINANCE C-4**

**AN ORDINANCE TO PROVIDE FOR  
COMBINING THE OFFICES OF CITY CLERK AND CITY TREASURER**

The Common Council of the City of St. Francis do ordain as follows:

§ 1. The City of St. Francis hereby elects not to be governed by those portions of sections 62.09(3)(b) and (5)(b) of the Wisconsin Statutes, relating to the City Clerk and, City Treasurer, which are in conflict with the provisions of this Charter ordinance.

§ 2. The City of St. Francis elects to combine the offices of City Clerk and City Treasurer as a single full time office, and the official to perform the duties of such office shall be designated as City Clerk-Treasurer.

§ 3. Such City Clerk-Treasurer shall be elected at the regular spring election for a term of two years, beginning with the spring election of 1966 and each two years thereafter. Such term shall begin on May 1 succeeding the election.

§ 4. This ordinance shall not in any way effect the right of any person whose term of office has not yet begun on the effective date of this ordinance to complete his term of office.

§ 5. Such City Clerk-Treasurer shall exercise the same power and perform the same duties as by law are required and shall be conferred upon and shall be required of City Clerks and City Treasurers and shall be subject to the same penalties and liabilities and shall receive such compensation as the City Council shall determine, and the acts of the Treasurer shall be covered by official bond as required by law as the City Council shall determine.

§ 6. All ordinances or parts or ordinances conflicting with the provisions of this ordinance are hereby to such extent repealed.

§ 7. This is a Charter Ordinance and shall take effect 60 days after its passage and publication unless within such 60 days period a referendum petition, as provided by Section 66.01 of the Wisconsin Statutes, shall be filed, in which event this ordinance shall not take effect until it shall have been submitted to a referendum vote of the electors and approved by a majority of the electors voting thereon.

PASSED AND ADOPTED this 17th day of August, 1965.

ST. FRANCIS CODE

CHARTER ORDINANCE C-5

**A CHARTER ORDINANCE TO ELECT NOT TO COME UNDER THE PROVISIONS OF SECTION 66.05(6) OF THE WISCONSIN STATUTES RELATING TO EXCAVATIONS FOR BUILDINGS, AND AN ORDINANCE TO PROVIDE FOR CONTROLS AND PENALTIES RELATING TO EXCAVATIONS FOR BUILDINGS, DEPRESSIONS, PITS, HOLES, GULLIES, DITCHES OR SIMILAR DEPRESSIONS ON ANY PREMISES AND IN WHICH WATER MAY ACCUMULATE.**

The Common Council of the City of St. Francis do ordain as follows:

§ 01. Charter declaration. The City of St. Francis hereby elects by this charter ordinance that Section 66.05(6) of the Wisconsin Statutes shall not apply to the City of St. Francis, but that excavations for buildings or structures shall be controlled as hereinafter set forth.

§ 02. Public hazards or nuisances. All excavations, depressions, pits, holes, gullies, ditches or similar depressions more than 12 inches deep and in which water may accumulate and be retained therein for a period of more than 24 hours on any lot, plot of land or premises shall constitute a public hazard or nuisance.

§ 03. Notice to abate nuisance.

- A. Except as regulated in subsection B hereunder, in all cases where a public hazard or nuisance, as enumerated in Section 02, above, is found to exist upon any premises within the city, the City Health Officer or his representative shall serve on the owner of the premises and on the holder of any incumbrance of record an order to abate such public hazard or nuisance within four days from the date of such notice by requiring the owner of the premises to fill in such hazard or nuisance to lot grade in an approved manner or to provide positive drainage, connected in a manner approved by the City Engineer to the city sewer or street so as not to flow on a streetwalk or to cause dampness or injury to any wall, yard or area. In case of the owner's neglect or refusal to abate such public hazard or nuisance within the time herein prescribed, the City Engineer, upon notification by the City Health Officer, shall cause such hazard or nuisance to be abated by the filling in of any or all such excavations, depressions, pits, holes, gullies, ditches, or similar depressions, the cost of which shall be charged against the real estate upon which such work was executed and shall be a lien upon such real estate and be assessed and collected as a special tax in addition to the fine or penalty as provided herein.
- B. Excavations for a basement or foundation of a building or structure on any premises executed under a permit issued by the inspector of buildings shall be fenced in (guarded) in an approved manner unless the construction of the building or structure proceeds immediately after the excavation has been completed, providing that no such excavation, whether or not completed, may be left open for more than six months whether fenced in (guarded) or not without proceeding with the construction of the building or structure. Where such construction is not started within six months, the inspector of buildings shall serve an order on the owner of the premises and on the holder of any incumbrance of record to the effect that the construction of the building or structure on the excavation begin forthwith or in the alternative that the excavation be filled within four days in an approved

## CHARTER ORDINANCES

manner to lot grade. In case of the owner's neglect or refusal to abate such public hazard or nuisance, within the time herein prescribed, the inspector of buildings shall, either through any available public agency or by contract or arrangement with private persons, completely fill such excavations to lot grade, in which case the cost of such work shall be charged against the real estate upon which such work was executed and shall be a lien upon such real estate and be assessed and collected as a special tax in addition to the fine or penalty as regulated herein.

§ 04. Penalties. Any person being the owner of premises whereon any provision of this ordinance has been violated and who shall omit, neglect or refuse to comply with any order issued pursuant to this ordinance shall upon conviction, be punished by a forfeiture of not more than \$200 for each offense together with the costs of prosecution, and in default of payment thereof shall be imprisoned in the House of Correction or in the County Jail of Milwaukee County for a period of not more than 60 days or until such forfeiture and costs are paid. Each day that a violation exists or continues to exist after omission, neglect or refusal to comply with any order issued pursuant to this ordinance shall constitute a separate and distinct offense.

§ 05. Repeal of conflicting ordinances. All ordinances or parts of ordinances contravening the provisions of this ordinance are hereby repealed.

§ 06. Effective date. This is a charter ordinance and shall take effect 60 days after its passage and publication unless within such 60 days a referendum petition shall be filed as provided (sic) in Section 66.01(5) of the Wisconsin Statutes in which event this ordinance shall not take effect until submitted to a referendum and approved by a majority of the electors voting thereon.

Introduced by the Common Council acting as a committee of the whole.

Passed and adopted this 16th day of January, 1968.

ST. FRANCIS CODE

CHARTER ORDINANCE

ORDINANCE C-6

**A CHARTER ORDINANCE PROVIDING FOR SPECIAL ELECTION IN THE EVENT OF VACANCY IN OFFICE OF ALDERMAN, AND ELECTING NOT TO BE GOVERNED BY WISCONSIN STATUTES PERTAINING THERETO**

The Common Council of the City of St. Francis do ordain as follows:

§ C-6.01. Special election for office of alderman.

- A. If any alderman shall resign, die, or remove from the district represented by him, or engage or continue in any service, business or employment causing a continuous absence from the city for more than four months, his office shall thereby become vacant; a special election shall be held to elect a successor to fill any aldermanic vacancy for the remainder of said term.
- B. The special election for alderman shall be ordered by Mayor, or in the event of his absence or inability, by the President of the Common Council. The order issued shall be filed in the office of the City Clerk.
- C. Upon filing of the order, the Clerk shall give notice of such special election by publication in the official newspaper of a Class II notice, under Chapter 985, Wisconsin Statutes.
- D. The order and notice shall specify the office to be filled, the name of the officer before the vacancy, how the vacancy (sic) occurred, the expiration date of the remaining term of office, the date of the election, the earliest date for circulating and date for filing nomination papers, and the area involved in the election.
- E. The date for the special election shall not be less than 55 nor more than 70 days from the date of the order, except when the special election is held on the day of the general election or the general primary.
- F. The primary shall be held on the day four weeks before the day of the special election, except when the special election is held on the same day as the general election, the special primary shall be held on the same day as the general primary. The special election may take place on the day of the general primary.
- G. Nomination papers shall be circulated no sooner than the day the order for special election is filed, and shall be filed with the city clerk at least 10 days before the day of the special primary.

§ C-6.02. Charter ordinance. This is a charter ordinance, and the City of St. Francis elects that the state laws relating to the filling of a vacancy in the office of alderman shall not apply to the City of St. Francis, but shall be governed by this charter ordinance.



## CHARTER ORDINANCES

§ C-6.03. Conflicting provisions. All ordinances or parts of ordinances contravening the provisions of this ordinance are hereby repealed.

§ C-6.04. Invalidity. If any part of parts of this ordinance are invalid, it shall be invalid as to such part or parts only, but it shall not invalidate the entire ordinance.

§ C-6.05. Effective date. This ordinance shall take effect 60 days after its passage and publication unless, within such 60 days a referendum petition shall be filed as provided by subsection (5) of Section 66.01 of the Wisconsin Statutes, in which event this ordinance shall not take effect until submitted to a referendum and approved by a majority of the electors voting thereon.

PASSED AND ADOPTED this 21st day of January, 1975.

ST. FRANCIS CODE

**CHARTER ORDINANCE C-7**

**AN ORDINANCE TO PROVIDE FOR  
APPOINTMENT OF CITY CLERK-TREASURER**

The Common Council of the City of St. Francis do ordain as follows:

§ C-7.01. Pursuant to the provisions of Section 62.09 and Section 66.01 of the Wisconsin Statutes, the City Clerk-Treasurer shall hereafter be selected by appointment by the Mayor subject to confirmation by the Common Council, hereby repealing that portion of Charter Section Ordinance No. C-4 which provides for election of the City Clerk-Treasurer by the voters.

§ C-7.02. This is a Charter Ordinance and shall take effect 60 days after its passage and publication unless within such sixty day period a referendum petition, as provided by Section 66.01 of the Wisconsin Statutes, shall be filed, in which event this ordinance shall not take effect until it shall have been submitted to a referendum vote of the electors and approved by a majority of the electors voting thereon.

PASSED and ADOPTED this 20th day of September, 1983.

CHARTER ORDINANCES

**CHARTER ORDINANCE C-8**

**A CHARTER ORDINANCE  
REPEALING CHARTER ORDINANCE C-4  
SEPARATING THE OFFICES OF CITY CLERK AND CITY TREASURER**

THE COMMON COUNCIL OF THE CITY OF ST. FRANCIS DO ORDAIN AS FOLLOWS:

§ 1. Election out. The City of St. Francis hereby elects not to be governed by that portion of Section 62.09(3)(b) of the Wisconsin Statutes relating to the City Clerk and City Treasurer, which are in conflict with the provisions of this Charter Ordinance.

§ 2. Repeal; separation. The City of St. Francis hereby repeals Charter Ordinance C-4 and hereby separates the offices of City Clerk and City Treasurer.

§ 3. Combining. The separate offices of City Clerk and City Treasurer can be held by persons who hold other offices within the City of St. Francis, except the offices of Aldermen and Mayor. Wages shall be paid to such person or person as may be determined by the Common Council from time to time.

§ 4. Duties. Such person(s) shall exercise the same power and perform the same duties as by law are and shall be conferred upon and shall be required of City Clerks and City Treasurers and shall be subject to the same penalties and liabilities, and the acts of the Treasurer shall be covered by official bond as required by the Common Council.

§ 5. Conflicting ordinances. All ordinances or parts of ordinances conflicting with the provisions of this ordinance are hereby to such extent repealed.

§ 6. Effective date. This is a Charter Ordinance and shall take effect 60 days after its passage and publication unless within such sixty day period a referendum petition, as provided by Section 66.01, Wisconsin Statutes, shall be filed, in which event this ordinance shall not take effect until it shall have been submitted to a referendum vote of the electors and approved by a majority of the electors voting thereon.

PASSED and APPROVED this 7th day of August, 1990.

ST. FRANCIS CODE

**CHARTER ORDINANCE C-9**

**AN ORDINANCE TO PROVIDE FOR THE APPOINTMENT  
OF CITY ATTORNEY**

THE COMMON COUNCIL OF THE CITY OF ST. FRANCIS DO ORDAIN AS FOLLOWS:

§ 1. Pursuant to the provisions of section 62.09 and section 66.0101 of the Wisconsin Statutes, the City Attorney shall hereafter be selected by appointment by the Mayor, subject to confirmation by the Common Council.

§ 2. Conflicting provisions. All ordinances or parts of ordinances contravening the provisions of this ordinance are to that extent repealed.

§ 3. Section 1.02 and 1.03 St. Francis Code amended. Section 1.02 is hereby amended by removing City Attorney from the list of elected officials, and renumbered accordingly. Section 1.03 is hereby amended adding City Attorney to the list of appointed officials, appointed by the Mayor, subject to confirmation by the Council for an indefinite term, and renumbered accordingly.

§ 4. Effective date. This Charter Ordinance shall take effect sixty (60) days after its passage and publication unless within such sixty (60) day period a referendum petition, as provided by Section 66.0101 Wisconsin Statutes, shall be filed, in which event this ordinance shall not take effect until it shall have been submitted to a referendum vote of the electors and approved by a majority of the electors voting thereon.

PASSED and ADOPTED this 17th day of September, 2002.

CHARTER ORDINANCES

**CHARTER ORDINANCE C-10**

**AN ORDINANCE AMENDING THE TERM OF OFFICE OF MAYOR**

THE COMMON COUNCIL OF THE CITY OF ST. FRANCIS DO ORDAIN AS FOLLOWS:

§ 10.01. Pursuant to Referendum held, the term of office of Mayor of the City of St. Francis shall be four years, commencing with the term starting April, 2004, and section 1.02(1)(a) is hereby amended accordingly.

§ 10.02. Conflicting provisions. All ordinances or parts of ordinances contravening the provisions of this ordinance are to that extent repealed.

§ 10.03. Effective date. This ordinance shall take effect and be in force the day after its passage and publication as provided by law.

PASSED and ADOPTED this 19<sup>th</sup> day of November 2002.

ST. FRANCIS CODE

**CHARTER ORDINANCE NO. C-11**

**AMENDING CHARTER ORDINANCE C-8**

**AN ORDINANCE COMBINING THE POSITIONS OF  
CITY CLERK AND CITY TREASURER AND DESIGNATING  
THE SELECTION OF CERTAIN CITY OFFICIALS**

At a regular meeting of the Common Council of the City of St. Francis, Milwaukee County, Wisconsin, held on the 21<sup>st</sup> day of December, 2010, a quorum being present and a two-thirds vote of the Council voting therefore, said Council does ordain as follows:

Section C-11. 01 Charter Ordinance C-8 of the Municipal Code of the City of St. Francis is hereby repealed and recreated as follows:

- § 1. Pursuant to the provisions of sections 62.09(6) and section 66.01 of the Wisconsin Statutes, the City Clerk and City Treasurer will be combined into a single position known as the City Clerk/Treasurer and the City Clerk/Treasurer shall be selected by appointment by the mayor subject to confirmation by the Common Council.
- § 2. Duties: Such person shall exercise the same power and perform the same duties as by law are and shall be conferred upon and shall be required of City Clerks and City Treasurers and shall be subject to the same penalties and liabilities, and the acts of the Clerk/Treasurer shall be covered by official bond as required by the Common Council.
- § 3. Conflicting ordinances. All ordinances or parts of ordinances contravening the provisions of this ordinance are to that extent repealed.
- § 4. Effective date. This is a Charter Ordinance and shall take effect 60 days after its passage and publication unless within such sixty day period a referendum petition as provided by 66.0101 shall be filed, in which event this ordinance shall not take effect until it shall have been submitted to a referendum vote of the electors and approved by a majority of the electors voting thereon.

Section C-11.02 CONFLICTING PROVISIONS. All ordinances or parts of ordinances contravening the provisions of this ordinance are to that extent repealed.

Section C-11.03 SEVERANCE CLAUSE. The provisions of this ordinance are declared to be severable, and if any section, sentence clause or phrase of this ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses and phrases of this ordinances they shall remain in effect, it being the legislative intent that this ordinance shall stand notwithstanding the invalidity of any part.

Section C-11.04 EFFECTIVE DATE. This ordinance shall take effect and be in force as provided by law.

PASSED and ADOPTED this 21<sup>st</sup> day of December, 2010.

CHARTER ORDINANCES

**CHARTER ORDINANCE NO. C-13**

**A CHARTER ORDINANCE TO REPEAL CHARTER ORDINANCE NO. C-6 OF THE CITY OF ST. FRANCIS CODE AND ELECTING TO BE GOVERNED BY WISCONSIN STATUTES PERTAINING TO FILLING VACANCIES IN THE OFFICE OF ALDERPERSON**

THE COMMON COUNCIL OF THE CITY OF ST. FRANCIS DO HEREBY ORDAIN AS FOLLOWS:

§ 1. Charter Ordinance No. C-6 of the City of St. Francis Code is hereby repealed in its entirety and the state laws relating to the filling of a vacancy in the office of alderperson, as they may be amended from time to time, shall apply to the City of St. Francis.

§ 2. All ordinances or parts of ordinances contravening the terms and provisions of this ordinance are hereby repealed.

§ 3. This Charter Ordinance shall be included in the Code of Ordinances as Charter Ordinance No. C-13 and shall be entitled, "A Charter Ordinance To Repeal Charter Ordinance No. C-6 of the City of St. Francis Code and Electing to be Governed By Wisconsin Statutes Pertaining to Filling Vacancies In the Office of Alderperson."

§ 4. Severability. The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and shall not affect the validity of any other provisions, sections or portions thereof of the ordinance. The remainder of the ordinance shall remain in full force and effect. Any other ordinances whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

§ 5. This is a Charter Ordinance and shall take effect 60 days after its passage and publication, subject to the provisions of § 66.0101, Wis. Stat.

PASSED AND APPROVED this 22<sup>nd</sup> day of February, 2012.