

CODE OF GENERAL ORDINANCES

BROWN COUNTY, WISCONSIN

CHAPTER 1

(Revised 4-27-2021)

GENERAL PROVISIONS

1.01 BROWN COUNTY CODE. (1) Title. This code of ordinances may be known and cited as the Brown County Code, Brown County, Wisconsin.

(2) Amendments. Any additions or amendments to this code are incorporated in this code so that a reference to the Brown County Code includes such additions and amendments.

(3) Numbering of Sections. Each section number of this code shall consist of two component parts separated by a period, the figure before the period referring to the chapter number and the figure after the period referring to the position of the section within the chapter.

(4) Numbering Additions. The decimal system shall be used for all additions or amendments to this code. When a chapter or section is to be added the new chapter or section shall be given a decimal character.

1.02 DEFINITIONS. (1) Terms used in this code, unless otherwise specifically defined in this code, have the meanings prescribed by the Wisconsin Statutes for the same terms.

(2) Terms used in this code have the following meanings:

County: Brown County

State: State of Wisconsin

County Board of Supervisors or County Board: The Board of Supervisors of Brown County and similarly the title of any other board, commission or official refers to such board, commission or official of Brown County unless otherwise stated.

Ordinances: The ordinances of Brown County and all amendments thereto, including this code.

This Code: The Brown County Code.

Wisconsin Statutes: The latest published edition of Wisconsin Statutes.

Person: Any natural individual, firm, partnership, corporation, company, association, club, joint adventure, estate, trust or any group or combination acting as a unit and the individuals constituting such group or unit; and the plural as well as the singular number; and the masculine gender includes the feminine and neuter genders; unless the intention to give more limited meaning is disclosed by the context. As applied to partnerships,

the word person includes the members of the partnership; as applied to corporations it includes the officers, agents or employees responsible for the act referred to.

1.03 REPEAL OF ORDINANCES. (1) All public and general ordinances or parts thereof not included in this code are repealed except ordinances granting franchises or rights to persons or corporations, and extensions and limitations of such rights, and ordinances making appropriations for public expenditures or establishing salaries, and ordinances authorizing contracts or the issuance of bonds, and ordinances relating to the establishment, dedication, opening, width, grade, improvement, altering, or vacating of any highways, parks, or public grounds.

(2) The provisions of this code, so far as they are the same in substance as those of heretofore existing ordinances are continuations of such ordinances and not new enactments. Any act done, offense committed or right accruing, accrued or acquired, or liability, penalty, forfeiture or punishment incurred prior to the time of this repeal are not affected by this repeal, but may be enjoyed, asserted, enforced, prosecuted or inflicted as fully and to the same extent as if such repeal had not been affected.

1.04 ORDINANCES REPEALED NOT REENACTED. No ordinance or part of any ordinance heretofore repealed shall be considered reordained or reenacted by virtue of this code, unless specifically reenacted. The repeal of any curative or validating ordinance does not impair or affect any cure or validation already effected thereby.

1.05 JURISDICTION. Unless otherwise provided in this code, this code applies to acts performed within the limits of Brown County.

1.06 RESPONSIBILITY FOR ACTS. Every person concerned in the commission of an act prohibited by this code, whether he/she directly commits the act, or prosecutes, counsels, aids, or abets in its commission, may be prosecuted and on conviction is punishable as if he/she had directly committed such act.

1.07 PENALTIES. (1) Standard Penalty. Unless another penalty is expressly provided by this code for any particular provision, section, or chapter, any person violating any provision of this code, or any rule or regulation adopted or issued in pursuance thereof, or any provision of any code adopted herein by reference shall, upon conviction, be subject to a forfeiture of not less than \$1.00 or more than \$300, and the costs of prosecution for each violation, and in default of payment of such forfeitures and costs shall be imprisoned in the County Jail until such forfeiture and costs of prosecution are paid, such imprisonment not to exceed 90 days.

(2) Each Day a Violation. Each act of violation and every day upon which a violation occurs or exists constitutes a separate offense.

(3) Amendments. In case of any amendment of or addition to any section or chapter of this code the penalty provided for the violation of such section or chapter, shall also relate to the amendment or addition, whether reenacted in the amendatory ordinance or not, unless such penalty is specifically repealed or amended therein.

(4) Reference to Sections. Reference to any section of this code shall be understood also to refer to and include the penalty section relating thereto, unless otherwise expressly provided.

(5) Failure of Officers to Perform Duties. The failure of any officer or employee of the county to perform any official duty imposed by this code shall not subject such officer or employee to the penalty imposed for violation of this code, unless a penalty is specifically provided.

1.08 SEPARABILITY OF PROVISIONS. Each section, paragraph, sentence, clause and provision of this code is separable and if any provision is held unconstitutional or invalid for any reason, such decision shall not affect the remainder of this code, nor any part thereof other than that affected by such decision.

1.09 EFFECTIVE DATE. This code of ordinances shall take effect the day after publication of the ordinance adopting this code of ordinances.

1.10 COPIES ON FILE. Copies of this code shall be kept on file and open to public inspection in the office of the County Clerk.

1.11 CODE OF ETHICS. (1) Declaration of Policy. The proper operation of democratic government requires that public officials and employees be independent, impartial and responsible to the people; that governmental decisions and policy be made in proper channels of the governmental structure; that public office not be used for personal gains; and that the public have confidence in the integrity of its government. To assist in attaining these goals, there is established a code of ethics for all County officials including members of boards, committees and commissions, and employees, whether elected or appointed, paid or unpaid. The purpose of this code is to establish guidelines for ethical standards of conduct for all such officials and employees by setting forth those acts or actions which are incompatible with the best interests of the County and by requiring such officials and employees to disclose personal interests, financial or otherwise, in matters affecting the County. The purpose of this code and the rules and regulations established hereby are declared to be in the public interest.

(2) Responsibility of Public Office. Public officials and employees hold office for the benefit of the public. They are bound to uphold the Constitution of the United States and the Constitution of this state; to observe the highest standards of law in the exercise of the powers and duties of their office; to impartially carry out the laws of the nation, state and County; to discharge faithfully the duties of their office regardless of personal considerations; and to recognize that the public interest must be their prime concern.

(3) Dedicated Service. Elective and appointive officials and employees shall adhere to the rules of work and performance standards established for their positions. Officials and employees shall not exceed their authority or breach the law or ask others to do so. They shall cooperate with public officials and employees from other governmental bodies, agencies and jurisdictions unless prohibited from doing so by law.

(4) Fair and Equal Treatment. No official or employee shall use or permit the use of County-owned vehicles, equipment, materials or property unless authorized to do so. All

officials and employees are obligated to give the same consideration to matters and persons in like or similar circumstances and may not arbitrarily or capriciously treat one person differently from another.

(5) Conflict of Interest. (a) Financial and Personal Interest Prohibited. No official or employee, whether paid or unpaid, shall engage in any business or transaction or shall act in regard to any direct financial interest which is incompatible with the proper discharge of his or her official duties in the public interest contrary to the provisions of this section or which tends to impair his or her independence of judgment or action in the performance of his or her official duties.

(b) Definitions. 1. Financial Interest. Any interest which yields directly a monetary or other material benefit to the officer or employee or to any person employing or retaining the services of the officer or employee.

2. Persons. Any person, corporation, partnership or joint venture.

3. Official duty or act. One done by an officer in his or her official capacity under color and by virtue of his or her office. An authorized act.

4. Violation. Violation includes any unlawful behavior by a public officer or employee in relation to the duties of his or her office or employment, willful in its character, including any willful or corrupt failure, refusal, or neglect of an officer or employee to perform any duty enjoined by law on him or her.

(c) Specific Conflicts Enumerated. 1. Incompatible Employment. No official or employee shall engage in or accept private employment or render service, for private interest, when such employment or service is incompatible with the proper discharge of his or her official duties or would tend to impair such official's or employee's independence of judgment or action in the performance of such duties, unless otherwise permitted by law and unless disclosure is made as herein provided.

2. Disclosure of Confidential Information. No official or employee shall, without proper legal authorization, disclose confidential information concerning the property, government or affairs of the County, nor shall such official or employee use such information to advance the financial or other private interest of such official or employee or others.

3. Gifts and Favors. Discretion and the judgment of a reasonable, prudent person shall be exercised in the acceptance or giving of gifts which may tend to influence such official or employee in the discharge of his or her duties, or grant in the discharge of his or her duties any improper favor, service or thing of value, except campaign contributions under sub. (7).

(d) Contracts with the County. No County officer or employee who in his or her capacity as such officer or employee participates in the making of a contract in which such person has a private pecuniary interest, direct or indirect, or performs in regard to that contract some function requiring the exercise of discretion on the part of such official or employee, shall enter into any contract with the County unless, within the limitation of Section 946.13, Wis. Stats., the contract is awarded through a process of public notice and competitive bidding. No elected County officer, unless a 12 month period following the date on which he or she ceased to be a County officer has elapsed, may negotiate with any other County officer or employee which he or she was associated, or be eligible to enter into any personal services contract,

employment contract or any appointments involving a payment to such former County officer. County Constitutional Officials are exempt from sub. (5)(d) of Section 1.11 of the Brown County Code.

(e) Disclosure of County Board Interest in Legislation. To the extent known, any member of the County Board who has a financial interest in any proposed legislation before the County Board shall disclose on the records of the County Board, the nature and extent of such interest.

Any other official or employee who has a financial interest in any proposed legislative action of the County Board and who participates in County Board discussion with or gives an official opinion or recommendation to the County Board, shall disclose on the records of the County Board, the nature and extent of such interest.

(6) Disclosure of Certain Financial Interests. (a) The following persons shall file *Initial Statements of Financial Interests* (Initial Statements) with, and on forms provided by, the County Clerk; and shall file *Amended Statements of Financial Interests* (Amended Statements) with, and on forms provided by, the County Clerk; as follows:

- 1. Candidates for County Public Office that would be County Employees if elected** shall file their Initial Statements at the time they file their Nomination Signatures;
- 2. Persons that have been appointed by a County Official, by the County Board of Supervisors or by any of its Committees** shall file their Initial Statements within 30 days of appointment;
- 3. Persons holding a Position listed below** shall file their Initial Statements within 30 days of hire;
- 4. County Employees who have Corporate Interests** as described in Subsection (6)(b)2. below shall file their Initial Statements within 30 days of having such Corporate Interests; and
- 5. Any person that files an Initial Statement shall also file an Amended Statement** within 30 days of a change in circumstances that would alter the answers they previously provided on their Initial Statement regarding Interests in Land and/or Corporate Interests as described in Subsection (6)(b) below.

POSITIONS:

Hospital & Nursing Home Administrator
Community Services Administrator
Finance Director
Health & Human Service Finance Manager
Risk Manager
Internal Auditor
Register in Probate
County Surveyor

(b) Form of Initial and Amended Statements. 1. Interests in Land. A person filing an Initial or Amended Statement shall describe all parcels of real estate within the County in which the person owns any interest including an option to purchase, if such property is to be considered for rezoning or purchase by any entity of government, but exempting homestead property.

2. Corporate Interests. A person filing an Initial or Amended Statement shall identify all corporate interests in any business organization, either as an owner, part owner, partner, or silent partner, in which such individual owns more than two percent of the

outstanding stock or more than two percent of any other business ownership that is doing business with the County in an amount in excess of \$7,500.00 annually.

(7) Campaign Contributions. Campaign contributions shall be reported by all candidates for County office in conformity with Wisconsin statutes.

(8) Ethics Board. (a) There shall be an Ethics Board which shall consist of five members: one supervisor; one County officer or employee; and four citizens, one of whom shall be an alternate who shall vote only in the absence or abstention of a member. Each member shall be appointed by the County Executive and subject to confirmation by the County Board. The citizen members shall be chosen from the private sector and shall not be affiliated with County government in any capacity, including, but not limited to, employment (including employment for which the salary is in any way funded by or through the County), appointment or election. Terms of office of citizens shall be three years, one appointment to be made annually. The Ethics Board shall elect its own chair and vice-chair. If any member of the Ethics Board petitions the Board for a hearing and advice regarding his or her own conduct, such member shall not be eligible to sit in his or her own case, and the alternate shall substitute therefore when the need arises.

(b) The jurisdiction of the Ethics Board is limited to acting within the scope of subs (8)(d) and (9) of this code.

(c) The Ethics Board may recommend amendments of this code to the County Board.

(d) Upon the sworn complaint of any person alleging facts which, if true, would constitute a violation of this section, the Board shall conduct a "due process" public hearing unless a private hearing is authorized by Wisconsin's Open Meeting Law and is requested by the person accused and, in written findings of fact and conclusions based thereon, make a determination concerning the complaint. If the Ethics Board finds there is probable cause a person has violated a provision of this section, it may refer the matter to the District Attorney or County Board for appropriate action. In making such referral, the Ethics Board shall attach the findings and conclusions as well as such documents as it decides are germane to the issue; the statement of determination shall not be admissible as evidence in any court.

(e) A 4/5 vote of the entire membership of the Board shall be required to make a finding of probable cause.

(f) No action may be taken by the Ethics Board on any complaint which is filed later than three years after a violation of this Code of Ethics is alleged to have occurred or which is filed later than three years from the date of the discovery, upon due diligence by the complaining party, of the facts constituting a violation.

(9) Applicability of Code. When an official or employee has doubt as to the applicability of a provision of this code, such person may apply in writing to the Ethics Board for an advisory opinion. The official or employee shall have the opportunity to present his or her interpretation of the facts at issue and of the applicability of the code before such advisory decision is made. This code shall apply except when superseded by an applicable statutory provision and statutory action is mandatory, or when the application of a statutory provision is discretionary but determined by the Ethics Board to be more appropriate or desirable.

(10) Penalty and Sanctions. Violation of any provision of this section may constitute cause for suspension, removal from office or employment, or other disciplinary action.

(11) Severability. If any provision of this section is held invalid or unconstitutional, or if the application of this section to any person or circumstance is held invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions or applications of this section which can be given without the invalid or unconstitutional provision or application.