



# City of West Allis

## Legislation Details (With Text)

**File #:** O-2018-0032 **Version:** 1

**Type:** Ordinance **Status:** Passed

**File created:** 8/7/2018 **In control:** Safety and Development Committee (INACTIVE)

**On agenda:** 8/7/2018 **Final action:** 8/7/2018

**Title:** Ordinance to amend section 2.39 of the City of West Allis Revised Municipal Code, Chapter 2, City Government, and subsection 12.15(1) of the City of West Allis Revised Municipal Code, Chapter 12, Zoning and City Planning, relative to how the Board of Appeals is constituted.

**Sponsors:** Safety and Development Committee (INACTIVE), Advisory Committee (INACTIVE)

**Indexes:**

**Code sections:**

**Attachments:** 1. O-2018-0032 signed

Date	Ver.	Action By	Action	Result
8/22/2018	1	City Clerk	Published	
8/9/2018	1	Mayor	Signed/Enacted	
8/7/2018	1	Common Council	Passed	Pass
8/7/2018	1	Advisory Committee (INACTIVE)		Pass
8/7/2018	1	Safety and Development Committee (INACTIVE)		Pass
7/31/2018	1	Common Council		
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Ordinance to amend section 2.39 of the City of West Allis Revised Municipal Code, Chapter 2, City Government, and subsection 12.15(1) of the City of West Allis Revised Municipal Code, Chapter 12, Zoning and City Planning, relative to how the Board of Appeals is constituted.

The Common Council of the City of West Allis do ordain as follows:

PART I. Section 2.39 of the City of West Allis Revised Municipal Code is hereby amended to read as follows:

### 2.39 Board of Appeals.

(1) How Constituted. The Board of Appeals shall consist of five (5) members appointed by the Mayor, subject to confirmation of the Common Council, for terms of three (3) years. The members of the Board shall serve without compensation and shall be removable by the Mayor for cause upon written charges and after public hearing. The terms of not more than two (2) members shall expire in any one calendar year. The Mayor shall designate one (1) of the members Chairman. Vacancies shall be filled for the unexpired terms of members whose terms become vacant. The Mayor shall appoint, for staggering terms of three (3) years, two (2) alternate members of such Board, in addition to the five (5) members above provided for.

Annually, the mayor shall designate one of the alternate members as first alternate and the other as second alternate. The first alternate shall act, with full power, only when a member of the board refuses to vote because of interest or when a member is absent. The second alternate shall so act only when the first alternate so refuses or is absent or when more than one member of the board refuses or is absent. The above provisions, with regard to removal and the filling of vacancies, shall apply to such alternates.

(2) Functions and Duties. The Board shall have such functions and duties as are prescribed by Section 12.15 of this Code and Sec. 62.23(7)(e) of the Wisconsin Statutes.

PART II. Subsection 12.15(1) of the City of West Allis Revised Municipal Code is hereby amended to read as follows:

12.15 Board of Appeals.

Under the provisions of sec. 62.23(7)(e) of the Wisconsin Statutes, the City of West Allis creates a Board of Appeals, the purpose of which is to ensure that adequate, but controlled, flexibility is provided in the application of this Subchapter. The Board will be governed by the provisions of the State zoning enabling law and the rules of procedure found in this Subchapter. In the case of any conflict between these two, State law will prevail over local ordinances.

(1) How Constituted. The Board of Appeals shall be constituted as prescribed by Section 2.39 of this Code and Sec. 62.23(7)(e)2. of the Wisconsin Statutes.

PART III. All ordinances or parts of ordinances contravening the provisions of this ordinance are hereby repealed.

PART IV. This ordinance shall take effect and be in force from and after its passage and publication.