

Ordinance No. 2019-05

**AN ORDINANCE TO AMEND SECTION 2-4-23 OF THE CODE
OF ORDINANCES FOR THE VILLAGE OF CALEDONIA PERTAINING
TO RESIDENCY REQUIREMENTS**

The Village Board of the Village of Caledonia do ordain as follows:

1. That Section 2-4-23 of the Code of Ordinances for the Village of Caledonia be, and hereby is, amended to read as follows:

“SEC. 2-4-23 RESIDENCY REQUIREMENTS.

(a) **Residency Required.** The Police Chief, Fire Chief, and all officers of the Police and Fire Department with a rank of Sergeant or above, and Emergency Personnel shall establish and maintain his or her actual Residence within 15 miles of the jurisdictional boundaries of the Village of Caledonia. Any such employee designated in this subsection who does not reside within the prescribed distance from the Village shall be ineligible for employment by the Village, except as otherwise provided under this Section.

(b) **Definitions.**

(1) "Residence" shall be construed to mean the actual living quarters which must be maintained by an employee specified in subsection (a). Neither where an employee votes nor the payment of taxes of any kind by itself by an employee shall be deemed adequate to satisfy the requirements of this section, nor shall the provisions of this section be satisfied by the maintaining of a rented room or rooms by an employee solely for the purpose of establishing residence within 15 miles of the jurisdictional boundaries of the Village when it appears that his or her residence is outside of the prescribed distance from the Village. Ownership of real property within the Village, when not coupled with maintaining of actual living quarters within the prescribed distance from the Village as herein required, shall be deemed insufficient to meet the requirements of this Section.

(2) "Emergency Personnel" shall be defined as the Village Administrator, Public Works Director, Utility Director, and such other employees as designated by Resolution of the Village Board from time-to-time.

- (c) **Administration of this Section.** This Section shall be administered by the Personnel Committee or in the case of appointments made by the Police and Fire Commission, then the Police and Fire Commission.
- (d) **New Employees.** A newly hired employee shall have such period of time as determined by the Personnel Committee or the Police and Fire Commission, as applicable, not to exceed 12 months, from the date of employment in which to establish such primary residency under subsection (a) above.
- (e) **Represented Employees.** The Village recognizes that residency requirements may be different for represented employees according to the respective labor agreements and this Section shall not be construed to modify those provisions.
- (f) **Existing Employees.** Employees of the Village who do not reside within 15 miles of the jurisdictional boundaries of the Village on the date of adoption of this Section shall not be required to move their residence to comply with this Section. However, if such employees move from their current Residence, such employees shall not move further away from the Village jurisdictional boundaries unless otherwise allowed under this Section or approved by the Personnel Committee or the Police and Fire Commission, as applicable.
- (g) **Effect of Move.** Any permanent employee of the Village who is required by this Section to reside within the 15 mile radius of Village jurisdictional boundaries, and who moves his or her residence outside of the restriction, shall be deemed to resign his/her position with the Village on the date that the transfer of residency takes place, effective immediately, unless otherwise allowed under this Section.
- (h) **Extension.** Whenever it shall appear to the Personnel Committee or the Police and Fire Commission, as applicable, that good cause exists for granting extensions of time to employees of the Village to obtain residences within 15 miles of the jurisdictional boundaries of the Village under this Section, or if a new or prospective employee of the Village would require a reasonable period of time in order to establish a residence within the prescribed distance from the Village so as to meet the requirements of this Section, the Personnel Committee or the Police and Fire Commission, as applicable, may allow such employee a period of not to exceed an additional 6 months in which to satisfy the requirements of this Section.
- (i) **Exceptions.**
 - (1) The residency requirement shall not apply where, in the judgment of the Personnel Committee or the Police and Fire Commission, as applicable, the best interests of the Village will be served by the employment of a non-resident person who is particularly well-qualified for the position by reasons of education, background and experience.
 - (2) Whenever it shall appear to the Personnel Committee or the Police and Fire Commission, as applicable, that an employee should be granted a

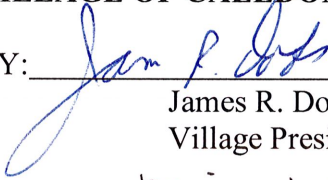
temporary exception from the requirements of this section, the Personnel Committee or the Police and Fire Commission shall review such request and make a finding based upon the evidence presented.

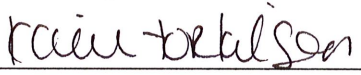
(j) **Compliance.** In construing and applying the provisions of this section, the provisions of any section inconsistent herewith shall be deemed amended so as to be in all respects consistent with the provisions of this Section."

2. That this ordinance shall take effect upon adoption and publication as provided by law.

Adopted by the Village Board of the Village of Caledonia, Racine County, Wisconsin, this 18th day of February, 2019.

VILLAGE OF CALEDONIA

BY: 
James R. Dobbs
Village President

ATTEST: 
Karie Torkilsen
Village Clerk