

PART II

CODE OF ORDINANCES

Chapter 1

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Sec. 1-1. How Code Designated and Cited.

The ordinances embraced in this and the following chapters and Appendixes A and B shall constitute and be designated the "Village Code of the Village of Kronenwetter, Wisconsin," and may be so cited.

Sec. 1-2. Definitions and Rules of Construction.

The following words, terms and phrases, when used in this Code, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Generally. When provisions conflict, the specific shall prevail over the general. All provisions shall be liberally construed so that the intent of the Village Board may be effectuated. Words and phrases shall be construed according to the common and approved usage of the language, but technical words, technical phrases and words and phrases that have acquired peculiar and appropriate meanings in law shall be construed according to such meanings.

And/Or. The term "and" may be read as "or," and the term "or" may be read as "and," where the sense requires it.

Code. Whenever the term "Code" is used without further qualification, it means the "Village Code of the Village of Kronenwetter, Wisconsin," as designated in Section 1-1.

Computation of Time. The time within which an act is to be done or proceeding had or taken shall be computed by excluding the first day and including the last; and when any such time is expressed in hours, the whole of Sunday and of any legal holiday, from 12:00 midnight to 12:00 midnight, shall be excluded.

- (1) If the last day within which an act is to be done or proceeding had or taken falls on Sunday or a legal holiday, the act may be done or the proceeding had or taken on the next secular day.
- (2) When the last day within which a proceeding is to be had or taken or an act done, which consists of any payment to or the service upon or filing with any officer, agent, agency, department or division of the State or of the County, or a city, village, town, school district or other division of the State, of any money, return, statement, report, notice or other document, falls on a Saturday and the duly established official office hours of such officer, agent, agency, department or division to which such payment is to be made or upon which such service is to be made or with which such return, statement, report, notice or other document is required to be filed, do not include any office hours thereof on such Saturday, such proceeding may be had or taken or such act may be done on the next succeeding day that is not a Sunday or legal holiday.
- (3) Regardless of whether the time limited in any ordinance for the taking of any proceeding or the doing of any act is measured from an event or from the date or day on which such event occurs, the day on which such event took place shall be excluded in the computation of such time.
- (4) The expression "legal holiday" as used in this section means any statewide legal holiday provided in Wis. Stats. §895.20. When an act is permitted to be done by the use of the postal service, and the last day within the time prescribed by law for performing such act falls on a legal public holiday under federal law, or other holiday designated by the president such that the postal

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service does not receive registered mail or make regular deliveries on that day, the day shall be considered a legal holiday for purposes of this definition.

State law references: Similar provisions, Wis. Stats. §990.001(4).

County. The term "County" means Marathon County, Wisconsin.

Delegation of Authority. A provision that authorizes or requires a Village officer or Village employee to perform an act or make a decision authorizes such officer or employee to act or make a decision through subordinates.

Gender. A term importing the masculine gender only shall extend and be applied to females and to firms, partnerships, corporations and limited liability companies and partnerships as well as to males, unless the intention to give a more limited meaning is disclosed by the context.

State law references: Similar provisions, Wis. Stats. §990.001(2).

Includes. The term "includes" does not limit a term to a specified example.

Joint Authority. Words purporting to give authority to three or more officers or other persons shall be construed as giving such authority to a majority of such officers or other persons, unless otherwise declared.

State law references: Similar provisions, Wis. Stats. §990.001(8).

May. The term "may" shall be construed as being permissive and not mandatory.

May Not. The term "may not" states a prohibition.

Month. The term "month" means a calendar month.

Number. A word importing the singular number may extend and be applied to the plural as well as to the singular and vice versa.

State law references: Similar provisions, Wis. Stats. §990.001(1).

Oath. The term "oath" includes an affirmation in all cases where by law an affirmation may be substituted for an oath. If any oath or affirmation is required to be taken, such oath or affirmation shall be taken before and administered by some officer authorized by the laws of this State to administer oaths, at the place where the oath is required to be taken or administered, unless otherwise expressly directed, and, when necessary, duly certified by such officer. If an oath is administered, it shall end with the words "so help me God." In actions and proceedings in the courts, a person may take an oath or affirmation in communication with the administering officer by telephone or audiovisual means.

State law references: Similar provisions, Wis. Stats. §990.001(24).

Officers and Employees. Whenever any officer or employee is referred to by title, such as "Village Clerk" or "Clerk," such reference shall be construed as if followed by the words "Village of Kronenwetter, Wisconsin."

Owner. The term "owner," as applied to a building or land, includes any part owner, joint owner, tenant in common, tenant in partnership, joint tenant or survivorship marital property, of the whole or part of such building or land.

Person. The term "person" extends and is applied to associations, clubs, societies, firms, partnerships and bodies politic and corporate as well as to individuals, LLC, LLP.

Personal Property. The term "personal property" includes every species of property except real property.

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Preceding, Following. The terms "preceding" and "following" mean next before and next after, respectively.

Premises. The term "premises," as applied to real property, includes land and structures.

Property. The term "property" includes real, personal and mixed property.

Real Property, Real Estate, Land, Lands. The terms "real property," "real estate," "land," and "lands" include lands, tenements and hereditaments.

Shall. The term "shall" shall be construed as being mandatory.

Sidewalk. The term "sidewalk" means that portion of a street between the curblines, or the lateral lines of a roadway where there is no curb, and the adjacent property line, intended for the use of pedestrians. If there is no public area between the lateral lines of the roadway and the abutting property line, then the area immediately abutting the street line shall be construed as the sidewalk.

Signature. If the signature of any person is required by law, it shall always be the handwriting of such person or, if the person is unable to write, the person's mark or the person's name written by some other person at the person's request and in the person's presence.

State law references: Similar provisions, Wis. Stats. §990.001(38).

State. The term "State" means the State of Wisconsin.

Street. The term "street" means any alley, avenue, boulevard, highway, road, lane, viaduct, bridge and the approach thereto, and any other public thoroughfare in the Village. The term "street" also means the entire width thereof between abutting property lines, and includes a sidewalk or footpath.

Tenant, Occupant. The terms "tenant" and "occupant," as applied to a building or land, includes:

- (1) Any person holding either alone or with others a written or oral lease of such building or land.
- (2) Any person who either alone or with others occupies such building or land.

Tense. Terms used in the past or present tense include the future as well as the past and present.

Village. The term "Village" means the Village of Kronenwetter, Wisconsin.

Village Board, Board. The terms "Village Board" and "Board" mean the Board of Trustees of the Village of Kronenwetter, Wisconsin.

Week. The term "week" means a period of seven consecutive days.

Wis. Stats., Statute. The abbreviation "Wis. Stats." and the term "Statute" mean the Wisconsin Statutes, as amended.

Writing. The term "writing" includes any form of recorded message capable of comprehension by ordinary visual means.

Year. The term "year" means a calendar year.

Sec. 1-3. Catchlines of Sections;

History Notes, References, Editor's Notes.

- (a) This subsection does not apply to Appendix A or Appendix B. The catchlines of the several sections of this Code printed in boldface type are intended as mere catchwords to indicate the contents of the sections and are not titles of such sections, or of any part of the section; nor, unless expressly so provided, shall they be so deemed when any of such sections, including the catchlines, are amended or reenacted.

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- (b) The history or source notes appearing in parenthesis after sections in this Code have no legal effect and only indicate legislative history.
- (c) Unless specified otherwise, all references to chapters or sections are to chapters or sections of this Code.
- (d) Editor's notes and other references appearing after sections through this Code are not intended to have any legal effect but are merely intended to assist the user of the Code.

Sec. 1-4. Provisions Deemed Continuation of Existing Ordinances.

The provisions appearing in this Code, insofar as they are substantially the same as legislation previously adopted by the Village relating to the same subject matter, shall be construed as restatements and continuations of the Code and not as new enactments.

Sec. 1-5. Certain Ordinances Not Affected by Code.

- (a) Nothing in this Code or the ordinance adopting this Code affects the validity of any ordinance, resolution or portion of an ordinance or resolution:
 - (1) Promising or guaranteeing the payment of money or authorizing the issuance of bonds or other instruments of indebtedness.
 - (2) Authorizing or approving any contract, deed or agreement.
 - (3) Granting any right or franchise.
 - (4) Making or approving any appropriation or budget or setting fees and charges.

- (5) Providing for salaries or other employee benefits not codified in this Code.
- (6) Levying, imposing or otherwise relating to taxes not codified in this Code.
- (7) Adopting or amending the comprehensive plan or regarding regional planning.
- (8) All maps regarding zoning and subdivisions and wellhead protection areas, master road plan.
- (9) Dedicating, accepting or vacating any plat or subdivision.
- (10) Dedicating, establishing, naming, locating, relocating, opening, paving, widening, repairing or vacating any street.
- (11) Establishing the grade of any street or sidewalk.
- (12) Levying or imposing any special assessment.
- (13) Regarding water or sewer rates.
- (14) Annexing property into the Village.
- (15) Deannexing property or excluding property from the Village.
- (16) Pertaining to the board of review.
- (17) That is temporary, although general in effect.
- (18) That is special, although permanent in effect.

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19) The purpose of which has been accomplished.

(b) The ordinances and resolutions designated in subsection (a) of this section continue in full force and effect to the same extent as if published at length in this Code.

Sec. 1-6. Effect of Repeals or Amendments.

(a) Unless specifically provided otherwise, the repeal of an ordinance or resolution does not revive any repealed ordinance or resolution.

(b) The repeal or amendment of an ordinance or resolution does not affect any action or forfeiture incurred before the repeal took effect, nor does such repeal or amendment affect any suit, prosecution or proceeding pending at the time of the amendment or repeal.

Sec. 1-7. Code Does Not Affect Prior Offenses or Rights.

(a) Nothing in this Code or the ordinance adopting this Code affects any offense or act committed or done, any penalty or forfeiture incurred, or any contract or right established before the effective date of this Code.

(b) The adoption of this Code does not authorize any use or the continuation of any use of a structure or premises in violation of any Village ordinance on the effective date of this Code.

Sec. 1-8. General penalty; continuing violations.

(a) In this section, the term "violation of this Code" means any of the following:

(1) Doing an act that is prohibited or made or declared unlawful, an offense, a violation or a misdemeanor by ordinance or by rule or regulation authorized by ordinance.

(2) Failure to perform an act that is required to be performed by ordinance or by rule or regulation authorized by ordinance.

(3) Failure to perform an act if the failure is prohibited or is made or declared unlawful, an offense, a violation of a misdemeanor by ordinance or by rule or regulation authorized by ordinance.

(b) In this section, the term "violation of this Code" does not include the failure of a Village officer or Village employee to perform an official duty unless it is specifically provided that the failure to perform the duty is subject to forfeiture as provided in this section.

(c) Except as otherwise provided by law or ordinance, a person convicted of a violation of this Code shall be subject to a forfeiture of not less than \$10.00 nor more than \$500.00 and the costs of prosecution, including court costs and reasonable attorney's fees. In default of immediate payment of such forfeiture and costs, such person may be committed to the County Jail until such forfeiture and costs are paid. Every commitment shall limit the duration of such imprisonment to a definite term not exceeding 90 days. Each day a violation exists or continues shall constitute a separate offense.

(d) The imposition of forfeiture does not prevent suspension or revocation of a license, permit, franchise or other administrative sanctions.

(e) In addition to all other penalties set forth in this section, the Village may

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institute legal action or proceedings to enjoin a violation of this Code or seek abatement or removal. The imposition of forfeiture does not prevent injunctive relief.

- (f) Pursuant to Wis. Stats. §893.93(2)(b), an action to recover a forfeiture or penalty imposed by ordinance or regulation, when no other limitation is prescribed by law, shall be commenced within two years of the violation. In those situations in which there occurs a continuing violation in existence for more than two years prior to the issuance of the complaint and wherein each day the violation exists continues to constitute a separate offense, no penalty may be imposed for each day of violation occurring more than two years prior to the commencement of the action. A penalty may be imposed, however, for each day of violation occurring within the two-year period.

- (g) *Authorization.* Pursuant to Wis. Stats. §66.0113, the Village Board hereby elects to use the citation method of enforcement of Village Ordinances described herein, or in a separate ordinance, including those for which a statutory counterpart exists.

1. *Form of Citation.* The citation shall contain the form as set forth in Wis. Stats. §66.0113(b) and Wis. Stats. §800.02.
2. *Schedule of Deposits.* The Village Bond Schedule or for those Deposits not set forth in said schedule, the State of Wisconsin Revised Uniform State Traffic Deposit Schedule as from time to time amended are hereby adopted herein.
3. *Issuance of Citation.* The Village Chief of Police and/or his designees may issue citations with respect to those

specified ordinances which are directly related to his official responsibilities.

4. *Procedure.* Wis. Stats. §66.0113(3) relating to violator’s options and procedures on default is hereby adopted and incorporated by reference.
5. *Non-exclusivity.* Adoption of this Ordinance does not preclude the Village Board from adopting any other ordinance or providing for the enforcement of any other law or ordinance relating to the same or other matter. The issuance of a citation hereunder shall not preclude the Village Board or any authorized office from proceedings under any other ordinance or law or by any other enforcement method to enforce any ordinance, regulation or order of the Village.

State law references: Bond, Wis. Stats. §66.0111; action for violations, Wis. Stats., §66.0114; penalties, Wis. Stats. §66.0115.

Sec. 1-9. Fees and Charges.

- (a) All fees and charges of the Village are confirmed and such shall apply until revised by the Village.
- (b) Municipal Court costs shall be as prescribed in Wis. Stats. section 814.65, and shall be \$20.00 on each separate matter except as otherwise provided in Wis. Stats. Section 814.65.
- (c) The Village Board shall adopt a Bond Schedule for use in Municipal Court, a copy of which shall be maintained in the Fee Schedule Book by the Village Clerk and shall be available for public inspection. The State of Wisconsin

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Uniform State Traffic Deposit Schedule is adopted by reference. Once adopted, the Village Bond Schedule shall remain effective until amended by the Board.

Sec. 1-10. Amendments to Code, Effect of New Ordinances and Resolutions; Amendatory Language.

(a) All ordinances and resolutions adopted subsequent to this Code that amend, repeal or in any way affect this Code may be numbered in accordance with the numbering system of the Code and printed for inclusion in the Code. Portions of this Code repealed by

subsequent ordinances and resolutions may be excluded from this Code by omission from reprinted pages affected thereby.

(b) Amendments to provisions of this Code may be made with the following language: "Section (chapter, article, division or subdivision, as appropriate) Village Code of the Village of Kronenwetter, Wisconsin is hereby amended to read as follows:"

(c) If a new section, subdivision, division, article or chapter is to be added to the Code, the following language may be used: "Section (chapter, article, division or subdivision, as appropriate) Village Code of the Village of Kronenwetter, Wisconsin is hereby created to read as follows:"

(d) All provisions desired to be repealed should be repealed specially by section, subdivision, division, article or chapter number, as appropriate, or by setting out the repealed provisions in full in the repealing ordinance.

Sec. 1-11. Supplementation of Code.

(a) Supplements to this Code shall be prepared and printed whenever authorized or directed by the Village. A supplement to this Code shall include all substantial permanent and general parts of ordinances adopted during the period covered by the supplement and all changes made thereby in the Code. The pages of the supplement shall be so numbered that they will fit properly into the Code and will, where necessary, replace pages that have become obsolete or partially obsolete. The new pages shall be so prepared that when they have been inserted, the Code will be current through the date of the adoption of the latest ordinance included in the supplement.

(b) In preparing a supplement to this Code, all portions of the Code that have been repealed shall be excluded from the Code by their omission from reprinted pages.

(c) When preparing a supplement to this Code, the person authorized to prepare the supplement may make formal, nonsubstantive changes in ordinances and parts of ordinances included in the supplement, insofar as it is necessary to do so to embody them into a unified code. For example, the person may:

(1) Arrange the material into appropriate organizational units.

(2) Supply appropriate catchlines, headings and titles for chapters, articles, divisions, subdivisions and sections to be included in the Code and make changes in any such catchlines, headings and titles or in any such catchlines, headings and titles already in the Code.

(3) Assign appropriate numbers to chapters, articles, divisions, subdivisions and sections to be added to the Code.

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- (4) Where necessary to accommodate new material, change existing numbers assigned to chapters, articles, divisions, subdivisions or sections.
- (5) Change the words "this ordinance" or similar words to "this chapter," "this article," "this division," "this subdivision," "this section" or "Sections _____ to _____" (inserting section numbers to indicate the sections of the Code that embody the substantive sections of the ordinance incorporated into the Code).
- (6) Make other nonsubstantive changes necessary to preserve the original meaning of the ordinances inserted in the Code.

Sec. 1-13. Responsibility for Acts; Aiding and Abetting.

Every person concerned in the commission of any act prohibited by this Code, whether any person directly commits the act or prosecutes, counsels, aids or abets in its commission, may be prosecuted and, upon conviction, is punishable as if such person had directly committed such act.

State law references: Collection of forfeitures generally, Wis. Stats. §778.10.

Sec. 1-12. Severability.

The sections, subsections, paragraphs, sentences, clauses and phrases of this Code and all provisions adopted by reference in this Code are severable so that if any section, subsection, paragraph, sentence, clause and phrase of this Code or of any provision adopted by reference in this Code is declared unconstitutional or invalid by a valid judgment of a court of competent jurisdiction, such judgment shall not affect the validity of any other section, subsection, paragraph, sentence, clause and phrase of this Code or of any provision adopted by reference in this Code, for the Village Board declares that it is its intent that it would have enacted this Code and all provisions adopted by reference in this Code without such invalid or unconstitutional provisions.

State law references: Severability generally, Wis. Stats. §990.001(11).