
CHAPTER 1 – GENERAL PROVISIONS

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Use and Construction of Code of Ordinances

Section 1.01 Title of Code; Citation.

These collected Ordinances shall be known and referred to as the “Code of Ordinances, Town of Union, Rock County, Wisconsin.” References to the Code of Ordinances, Town of Union, Rock County, Wisconsin, shall be cited as follows (sample): “Section 1.10, Code of Ordinances, Town of Union, Rock County, Wisconsin.”

Section 1.02 Principles of Construction.

The following rules or meanings shall be applied in the construction and interpretation of ordinances codified in this Code of Ordinances unless such application would be clearly inconsistent with the plain meaning or intent of the ordinances:

- (a) **Acts by Agents.** When an ordinance requires an act be done by a person which may be legally performed by an authorized agent of that principal person, the requirement shall be construed to include all acts performed by such agents.
- (b) **Code and Code of Ordinances.** The words, “Codes,” “Code of Ordinances” and “Municipal Code” when used in any section of this Code shall refer to this Code of Ordinances of the Town of Union unless the context of the section clearly

- indicates otherwise.
- (c) **Computation of Time.** In computing any period of time prescribed or allowed by these Ordinances, the day of the act or event from which the period of time begins to run shall not be included, but the last day of the period shall be included, unless it is a Saturday, a Sunday or a legal holiday. If the period of time prescribed or allowed is less than seven (7) days, Saturdays, Sundays and legal holidays shall be excluded in the computation. As used in this Section, “legal holiday” means any statewide legal holiday specified by state law.
 - (d) **Fine.** The term “fine” shall be the equivalent of the word “forfeiture,” and vice versa.
 - (e) **Gender.** Use has been made of masculine pronouns in these Ordinances solely for the sake of brevity. Unless specifically stated to the contrary, this Code of Ordinances is gender neutral and words in these Ordinances referring to the masculine gender shall also be construed to apply to females, and vice versa.
 - (f) **General Rule.** All words and phrases shall be construed according to their plain meaning in common usage. However, words or phrases with a technical or special meaning shall be understood and construed according to that technical or special meaning if such is the intent of the Ordinances.
 - (g) **Joint Authority.** All words purporting to give a joint authority to three (3) or more Town officers or employees shall be construed as giving such authority to a majority of such officers or other persons.
 - (h) **Officers.** The term “officers” shall refer solely to local offices created by State statute.
 - (i) **Officials.** The term “officials” shall mean all Town officers and employees.
 - (j) **Person.** The word “person” shall mean any of the following entities: natural persons, corporations, partnerships, associations, limited liability companies, firms, bodies politic, joint venture, joint stock company, association, public or private corporation, the United States, the State of Wisconsin, including any unit or division thereof, any county, city, village, town, municipal utility, municipal power district or other governmental unit, cooperative, estate, trust, receiver, executor, administrator, any other fiduciary, any representative appointed by order of any court or otherwise acting on behalf of others, or any other entity of any kind which is capable of being sued (includes singular as well as plural).
 - (k) **Repeal.** When any ordinance having the effect of repealing a prior ordinance is itself repealed, such repeal shall not be construed to revive the prior ordinance or any part thereof, unless expressly so provided.
 - (l) **Singular and Plural.** Every word in these Ordinances referring to the singular number only shall also be construed to apply to several persons or things, and every word in these Ordinances referring to a plural number shall also be construed to apply to one (1) person or thing.
 - (m) **Tense.** The use of any verb in the present tense shall not preclude the interpretation of the verb in the future tense where appropriate.
 - (n) **Town.** The term “Town” shall mean the Town of Union, Rock County, Wisconsin.
 - (o) **Wisconsin Statutes.** The term “Wisconsin Statutes” and its abbreviation as “Wis. Stats.” shall mean, in these Ordinances, the Wisconsin Statutes as of the adoption

of this Code, as amended from time to time.

- (p) **Wisconsin Administrative Code.** The term “Wisconsin Administrative Code” and its abbreviation as “Wis. Adm. Code” shall mean the Wisconsin Administrative Code as of the adoption of this Code, as amended or renumbered from time to time.

Section 1.03 Conflict of Provisions.

- (a) If the provisions of different chapters conflict with each other, the provisions of each individual chapter shall control all issues arising out of the events and persons intended to be governed by that chapter.
- (b) If the provisions of different sections of the same chapter conflict with each other, the provision which is more specific in its application to the events or persons raising the conflict shall control over the more general provision.

Section 1.04 Separability of Provisions.

If any provision of this Code of Ordinances is for any reason held to be invalid or unconstitutional by reason of any decision of any court of competent jurisdiction, such decision shall not affect the validity of any other provisions of these Ordinances.

Section 1.05 Effective Date of Ordinances.

- (a) **Code.** The Code of Ordinances, Town of Union, Rock County, Wisconsin shall take effect as provided by state law.
- (b) **Subsequent Ordinances.** All Ordinances passed by the Town Board subsequent to the adoption of the Code of Ordinances, except when otherwise specifically provided, shall take effect the day after publication or posting or at a later date as expressly provided in the ordinance, resolution, motion or action.

State Law Reference: Sec. 60.80 and 66.0103, Wis. Stats.

Section 1.06 Town Clerk to Maintain Copies of Documents Incorporated by Reference.

Whenever any standard code, rule, regulation, statute or other written or printed matter is adopted by reference, it shall be deemed incorporated in this Code as if fully set forth herein and the Town Clerk shall maintain in his/her office a copy of any such material as adopted and as amended from time to time. Materials on file at the Town Clerk's office shall be considered public records open to reasonable examination by any person during the office hours of the Town Clerk subject to such restrictions on examination as the Town Clerk imposes for the preservation of the material.

Use of Citation

Section 1.07 Adoption and Content

- A. Pursuant to § 66.0113, Wis. Stats, The Board of Supervisors (“Board”) of the Town of Union, authorizes the use of citations to be issued for violations of Ordinances, including ordinances for which a statutory counterpart exists.
- B. A citation issued under (A) shall be in a form that provides the following:
1. The name and address of the alleged violator;
 2. The factual allegations describing the alleged violation;
 3. The time and place of the offense;
 4. The section of the Ordinance violated;
 5. A designation of the offense in a manner that can be readily understood by a person making a reasonable effort to do so;
 6. The time at which the alleged violator may appear in court;
 7. A statement that in essence informs the alleged violator of all the following:
 - a. That the alleged violator may make a cash deposit of a specified amount to be mailed to a specified official within a specified time;
 - b. That if the alleged violator makes a cash deposit, he or she need not appear in court unless subsequently summoned;
 - c. That if the alleged violator makes a cash deposit and does not appear in court, he or she either will be deemed to have tendered a plea of no contest and submitted to a forfeiture, plus costs, fees, and surcharges imposed under Chapter 814, Wis. Stats., not to exceed the amount of the deposit, or will be summoned into court to answer the complaint if the court does not accept the plea of no contest;
 - d. That if the alleged violator does not make a cash deposit and does not appear in court at the time specified, the court may issue a summons or a warrant for the defendant’s arrest or consider the nonappearance to be a plea of no contest and enter judgment under § 66.0113(3)(d), Wis. Stats., or the municipality may commence an action against the alleged violator to collect the forfeiture, plus costs, fees, and surcharges imposed under Chapter 814, Wis. Stats.;
 - e. That if the court finds that the violation involves an offense that prohibits conduct prohibited by State statute punishable by fine or imprisonment or both, the violation resulted in property damage or physical injury to a person other than the alleged violator, the court may summon the defendant into court to determine if restitution shall be ordered under § 800.093 (Municipal Court), Wis. Stats.;
 - f. A direction that if the alleged violator elects to make a cash deposit, the alleged violator shall sign an appropriate statement that accompanies the citation to indicate that he or she read the statement required under § 66.0113(1)(b)(7), Wis. Stats., and shall send the signed statement with the cash deposit;

- g. Any other information as may be deemed necessary.

Section 1.08 Deposits/Bond

- A. Establishment of deposit schedule. The municipal judge shall establish and submit to the Board for approval, in accordance with Wis. Stats. § 800.03(3), a schedule of deposits for violations of Town Ordinances, except traffic regulations which are governed by Wis. Stats. § 345.27, and boating violations which are governed by Wis. Stats. § 23.67. When approved by the Board, such deposit schedule shall be posted in the office of the municipal court clerk and the Town police departments, if any.
- B. Adoption of State Uniform Bond Schedule. The Board adopts the State of Wisconsin Uniform Bond Schedule, unless other forfeitures or remedies are set forth in Town of Union Ordinances. In any instance for which there is no specific forfeiture or penalty, the general penalties specified in Chapter 1.03 of this Code of Ordinances shall apply.
- C. Stipulations and deposit in lieu of court appearance. Persons cited for violations of Town Ordinances, resolutions or bylaws for which a deposit has been established under this section shall be permitted to make a stipulation of no contest and a deposit in lieu of court appearance as provided in Wis. Stats. §§ 800.03, 800.04 and 800.09.
- D. Cases where not permitted. Stipulations and deposits may not be permitted after initial appearance unless otherwise approved by the court.

Section 1.09 Issuance of Citation; Service; Procedures

- A. The Board may, from time to time, designate certain officials to issue citations with respect to those specific ordinances which are related to their official responsibilities. This subsection specifically grants to such officials, pursuant to any Board resolution, the authority to issue citations under the terms of this Chapter.
- B. Service of citations shall be made pursuant to the provisions of § 800.01, Wis. Stats.
- C. Procedures in § 66.0113(3) and Chapter 800, Wis. Stats., and any subsequent revisions relating to adjudication of Ordinance violations are incorporated by reference.

Section 1.10 General Penalty

Except as otherwise provided, any person who shall violate any of the provisions of this Code shall, upon conviction of such violation, be subject to a penalty which shall be as follows:

- A. First Offense. Any person who shall violate any provision of this Code shall, upon conviction thereof, forfeit not less than five dollars (\$5.00) nor more than five hundred dollars (\$500.00), together with the costs of prosecution, and in default of payment of such forfeiture and costs of prosecution shall be

imprisoned in the County jail until such forfeiture and costs are paid, but not exceeding ninety (90) days.

- B. Second and Subsequent Offenses. Any person found guilty of violating any ordinance or part of an ordinance of this Code who has previously been convicted of a violation of the same ordinance within one (1) year shall, upon conviction thereof, forfeit not less than ten dollars (\$10.00) nor more than one thousand dollars (\$1,000.00) for each such offense, together with the costs of prosecution, and in default of payment of such forfeiture and costs shall be imprisoned in the County jail until such forfeiture and costs are paid but not exceeding six months.

Section 1.11 Continued Violations

Each violation and each day a violation continues or occurs shall constitute a separate offense. Nothing in this Code shall preclude the Town from maintaining any appropriate action to prevent or remove a violation of any provision of this Code.

Section 1.12 Relationship to Other Laws

The adoption and authorization for use of a citation under this Ordinance does not preclude the Board from adopting any other ordinance or providing for the enforcement of any other law or ordinance, or providing for the enforcement of any other law or ordinances relating to the same or any other matter. The issuance of a citation under the Ordinance does not preclude proceeding under any other ordinance or law relating to the same or any other matter. Proceeding under any other ordinance or law relating to the same or any other matter does not preclude the issuance of a citation under this chapter.

Section 1.13 Severability

If any provision of this Ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this Ordinance that can be given effect without the invalid provision of application, and to this end, the provisions of this Ordinance are severable.