

Village of Boyceville Municipal Code

TITLE 1 – GENERAL PROVISIONS

CHAPTER 1: USE AND CONSTRUCTION

Sec. 1-1-1 Title of Code; citation; short title.

These collected ordinances are known and referred to as the "Code of Ordinances, Village of Boyceville, Wisconsin," and is referenced as the "Code" throughout references to the Code are cited as follows (sample): "Section 2-1-1."

Sec. 1-1-2 Principles of construction.

The following rules or meanings are applied in the construction and interpretation of ordinances codified in this Code unless the application is clearly inconsistent with the plain meaning or intent of the ordinances:

(a) *Computation of time.* In computing a period of time referenced in the Code, the day of the act or event from which the period of time begins to run is not included, but the last day of the period is included, unless it is a Saturday, a Sunday or a legal holiday. If the period is less than seven days, Saturdays, Sundays, and legal holidays are excluded in the computation. As used in this section, the term "legal holiday" means any State designated law.

(b) *Definitions and rules of construction.* All words and phrases should be construed according to their plain meaning unless context clearly indicates otherwise. The following definitions are applied throughout this Code:

- (1) *Oath.* The term "oath" includes affirmation in all cases whereby law an affirmation may be substituted for an oath. If an oath or affirmation is required, it must be taken before and administered by some officer authorized by law to administer oaths.
- (2) *Officers:* solely to local offices created by state statute.
- (3) *Officials:* all Village officers and employees.
- (4) *Ordinance:* a legislative act of the municipal governing body of a general and permanent nature.
- (5) *Owner:* as applied to a building or land, includes any part owner, joint owner, tenant in common, tenant in partnership, joint tenant, or tenant by the entirety of the whole part of the building or land.
- (6) *Person:* any of the following entities: natural persons, corporations, partnerships, associations, political bodies, or any other entity capable of being sued.
- (7) *Property:* includes real property, personal property, and mixed property.
- (8) *Repeal.* When any ordinance having the effect of repealing a prior ordinance is itself repealed, the repeal must not be construed to revive the prior ordinance or any part thereof, unless expressly so provided.
- (9) *State:* means the State of Wisconsin.
- (10) *Village:* means the Village of Boyceville, Dunn County, Wisconsin.

(c) *Provisions deemed continuations of existing ordinances.* Provisions of the Code that are substantially like legislation previously adopted by the Village Board should be construed as restatements and continuations thereof and not as new enactments.

(d) *Certain ordinances not affected by Code.* Nothing in this Code or the ordinance adopting this Code affects the validity of any of the following:

- (1) Any offense or act committed, or penalty incurred before the effective date of this Code.
- (2) Any ordinance promising or guaranteeing the payment of money for the Village or authorizing the issue of any bonds of the Village or any evidence of the Village's indebtedness or any contract, right, agreement, lease, deed, or other instrument or obligation assumed by the Village.
- (3) Any administrative ordinances inconsistent with this Code.
- (4) Any right or franchise granted by any ordinance.
- (5) Any ordinance dedicating, establishing, naming, locating, relocating, opening, paving, widening, repairing, or vacating any street or public way.
- (6) Any ordinance adopting the budget or any appropriation ordinance.
- (7) Any ordinance levying or imposing taxes.
- (8) Any ordinance prescribing through streets, parking and traffic regulations, speed limits, one-way traffic, limitations on load of vehicles or loading zones.

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- (9) Any ordinance establishing and prescribing the street grades of any street.
- (10) Any ordinance providing for local improvements and assessments for the improvements.
- (11) Any ordinance regarding plats, land divisions or subdivisions.
- (12) Any ordinance annexing territory or excluding territory or any ordinance amending the boundaries of the Village.
- (13) Any ordinance establishing positions, classifying positions, establishing pension or employee benefits, setting salaries of Village officers and employees or any personnel regulations or indemnifications policies, or otherwise related to employees.
- (14) Any ordinance on investment and other financial policies.
- (15) Any ordinance calling an election.
- (16) Any ordinance relating to the acquisition of lands by the Village by condemnation proceedings.
- (17) Any ordinance adopting or amending the comprehensive plan.
- (18) Any ordinance adopted by reference by any section of this Code and not included in this Code.
- (19) Any temporary or special ordinance.

All ordinances are recognized as continuing in full force and effect to the same extent as if published at length in this Code. All ordinances are on file in the Village office.

(e) *Exclusion of special or temporary ordinances.* Ordinances adopted that are not of a general or permanent nature are numbered consecutively, authenticated, published, and recorded in the book of ordinances.

(f) *Amendments; language of amendments; new material; repeals.*

- (1) All ordinances passed after this Code that amend, repeal, or in any way affect this Code may be numbered in accordance with the numbering system of this Code and printed for inclusion in this Code.
- (2) When subsequent ordinances repeal any chapter, article, division, section or subsection or any portion of a chapter, article, division, section or subsection, the repealed portions may be excluded from the Code by omission from affected reprinted pages; and the subsequent ordinances, as numbered and printed or omitted, in the case of repeal, is prima facie evidence of such subsequent ordinances until this Code and subsequent ordinances numbered or omitted are readopted as a new Code of Ordinances by the Village Board.
- (3) Amendments to any of the provisions of this Code may be made by amending the provisions by specific reference to the section number of this Code in substantially the following language: "That section _____ of the Code of Ordinances of the Village of Boyceville, Wisconsin, is hereby amended to read as follows:...."
- (4) The new provisions are then be set out in full as desired. If a new section is added, the following language may be used: "That the Code of Ordinances of the Village of Boyceville, Wisconsin, is amended by adding a section to be numbered _____, which section reads as follows:...."
- (5) The new section may then be set out in full as desired. All sections, chapters, or provisions to be repealed must be specifically repealed by section, division, article, or chapter number.

(g) *Effect of amendments to Code.* Amendments to this Code should reflect the Village Board's intentions and be incorporated into the Code for full understanding.

(h) *Keeping Code current; supplementation.*

- (1) Supplements to this Code will be prepared and printed whenever authorized or directed by the Village. A supplement to this Code must include all substantive permanent and general parts of ordinances adopted during the period covered by the supplement and all changes made in the Code. The pages of the supplement must be numbered to fit properly into the Code and will, where necessary, replace pages that have become obsolete or partially obsolete. The new pages must be current through the date of the adoption of the latest ordinance included in the supplement.
- (2) In preparing a supplement to this Code, all repealed portions of the Code must be excluded from the Code by omitting those portions on the reprinted pages.

Sec. 1-1-3. - Conflict of provisions; applicability; jurisdiction.

(a) If the provisions of different chapters conflict with each other, the provisions of each individual chapter control all issues arising out of the events and persons intended to be governed by that chapter.

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(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 controls over the more general provision.

(c) If any of the provisions of this Code, including provisions adopted by reference, conflict and the conflict cannot be resolved by application of subsections (a) and (b) of this section, the more stringent regulation applies and the specific provision prevails over the general.

Sec. 1-1-4 Separability of provisions.

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

Sec. 1-1-5 Effective date of ordinances.

(a) *Code.* This Code will take effect as provided by state law.

(b) *Subsequent ordinances.* All ordinances passed by the Village Board after the adoption of this Code, except when specifically provided, will take effect from and after their publication.

Sec. 1-1-6 General penalty.

(a) *General penalty.* Except where a penalty is provided elsewhere in this Code, any person convicted of violating a provision of this Code is subject to a penalty pursuant to the Village's fee schedule, which is reviewed annually.

(b) *Continued violations.* Each violation and each day a violation continues or occurs constitutes a separate offense. Nothing in this Code precludes the Village from maintaining any appropriate action to prevent or remove a violation of any provision of this Code.

(c) *Other remedies.* The Village has other remedies afforded by the state statutes in addition to the forfeitures and costs of prosecution in this section.

(d) *Failure of officers to perform duties.* The failure of any officer or employee of the Village to perform duties imposed by this Code does not subject that officer or employee to the penalty imposed for violation of this Code unless a penalty is specifically provided for.

(e) *Fees established by resolution, fee schedule.* Fees for permits, licenses, and other Village services must be established by resolution or ordinance, as required by law, of the Village Board.

(f) *Code does not affect prior offenses, rights, etc.* Nothing in this Code or the ordinance adopting this Code affects any offense or act committed or done or any penalty or forfeiture incurred or any contract or right established or accruing before the effective date of this Code.

Sec. 1-1-7 Clerk to maintain copies of Code; public access; tampering with Code.

(a) *Duty of clerk; records open to examination.* Whenever any standard code, rule, regulation, statute or other written or printed matter is adopted by reference, it is incorporated in this Code and the Village clerk must maintain a copy of any the material as adopted and as amended. Materials on file at the Village clerk-treasurer's office are considered public records open to reasonable examination by any person during the office hours of the Village clerk subject to any restrictions that the clerk imposes to preserve the material.

(b) *Tampering with Code or other public documents.* It is a violation of this Code, punishable as set forth in this chapter, for any person, with intent to injure or defraud, to destroy, damage, remove, alter, or conceal, any public record of the Village, including, but not limited to, this Code. The official copy of the most recent version of this Code shall have the official seal of the Village Clerk affixed to it and shall be kept in the Village offices with other records.

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(c) *Damaging public notices.* It is a violation of this Code, punishable as set forth in this chapter, for any person to intentionally damage, alter, remove, or conceal any public notice, posted as authorized by law, before the expiration of the time for which the notice was posted.

CHAPTER 2: CODE ENFORCEMENT

Sec. 1-2-1 Authorization for use of citation.

The Village elects to use the citation method of enforcement of ordinances. All Village officers and other Village personnel charged with responsibility of enforcing the provisions of this Code are hereby authorized pursuant to Wis. Stats. § 66.0113(1)(a) to issue citations for violations of this Code, including ordinances for which a statutory counterpart exists

Sec. 1-2-2. - Officials authorized to issue citation.

Citations authorized in this chapter may be issued by law enforcement officers of the Village and by the following designated Village officials with respect to sections of the Code if related to the official's area of responsibility. The officials granted authority to issue citations under this section may delegate the authority to other Village employees within the designated official's department with the approval of the Village Board:

- (a) Building inspector(s)
- (b) Zoning Commissioner(s)
- (c) Fire inspector(s)
- (d) Code Enforcement Officer(s)

Sec. 1-2-3 Form of citation.

The form of the citation issued by Village police officers or other designated Village officials is incorporated herein by reference and must provide for the following information:

- (a) The name, address, date of birth and physical description of the alleged violator;
- (b) The factual allegations describing the alleged violation;
- (c) The date and place of the offense;
- (d) The section of the Code violated;
- (e) A designation of the offense in a manner as can be readily understood by a person making a reasonable effort to do so;
- (f) The time at which the alleged violator may appear in court;
- (g) A statement that informs the alleged violator:
 - (1) That the alleged violator may make a cash deposit of a specified amount to be mailed to a specified official within a specified time;
 - (2) That if the alleged violator makes a deposit, a court appearance is unnecessary unless subsequently summoned;
 - (3) That if the alleged violator makes a cash deposit and does not appear in court, a plea of no contest will be entered by default and submitted to a forfeiture and a penalty assessment imposed by the Dunn County Circuit Court;
 - (4) That if the alleged violator does not make a cash deposit and does not appear in court at the time specified, an action may be commenced against the alleged violator to collect the forfeiture and the penalty assessment imposed by Wis. Stats. § 757.05;
 - (5) A direction that if the alleged violator elects to make a cash deposit, the alleged violator must sign an appropriate statement which accompanies the citation to indicate that the statement was read as required and send the signed statement with the cash deposit.
 - (6) Other information, as necessary.

Sec. 1-2-4 Schedule of cash deposits.

The schedule of cash deposits for the various ordinances for which a citation may be issued are as established on the deposit schedule adopted by the Village Board, a copy of which is on file with the Village clerk. In addition to the

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deposit amount listed, the deposit must include a penalty assessment imposed by Wis. Stats. § 757.05. The chief of police must be provided a copy of all bond schedules and amendments.

Sec. 1-2-5 Deposits.

Deposits must be made to the Dunn County Clerk of Court's Office in accordance with their policy.

Sec. 1-2-6 Procedure.

Wis. Stats. § 66.0113(3) (violator's options; procedure on default, is adopted and incorporated herein by reference.

Sec. 1-2-7 Nonexclusivity of chapter.

(a) Adoption of this chapter does not preclude the Village Board from adopting any other ordinance providing for the enforcement of any other law or ordinance relating to the same or other matters.

(b) The issuance of a citation does not preclude the Village or any authorized officer from proceeding under any other ordinance or law or by any other enforcement method to enforce any ordinance, regulation, or order.