

# **CHAPTER 1    GENERAL PROVISIONS FOR USE OF THIS CODE OF ORDINANCES**

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# CHAPTER 1 GENERAL PROVISIONS FOR USE OF THIS CODE OF ORDINANCES

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## SECTION 1.01 Principles of Construction and General Definitions.

The following rules or meanings shall be applied in the construction and interpretation of the 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, "Code," "Code of Ordinances" and "Municipal Code" when used in any Section shall refer to this Code of Ordinances of the Village of Arlington 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, 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 that are specifically defined in a specific Chapter or Section shall have the specific meaning as set forth therein. Otherwise, all words and phrases shall be construed according to their plain meaning in common usage. Words and 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 Village 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 Village officers and employees.
- (j) **Person.** The word "person" shall mean any of the following entities: natural persons, corporations, partnerships, associations, bodies politic or any other entity of any kind which is capable of being named as a defendant in a legal proceeding.

- (k) **Repeal.** When an 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) **Wisconsin Statutes.** The term “Wisconsin Statutes” and its abbreviation as “Wis. Stats.” or “Section \_\_ Stats” shall mean, in these Ordinances, the most current version of the Wisconsin Statutes, and as amended or renumbered from time to time.
- (o) **Wisconsin Administrative Code.** The term “Wisconsin Administrative Code”, and its abbreviation “Wis. Admin. Code” shall mean, in these Ordinances, the most current version of the Wisconsin Administrative Code, and as amended or renumbered from time to time.
- (p) **Village.** The term “Village” shall mean the Village of Arlington, Columbia County, Wisconsin.

**SECTION 1.02 Title of Code; Citation.**

These collected Ordinances shall be known and referred to as the “Code of Ordinances, Village of Arlington, Wisconsin.” References to the Code of Ordinances, Village of Arlington, Wisconsin, shall be cited as follows (sample): “Section 1.01, Code of Ordinances, Village of Arlington, Wisconsin.”

**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 Severability 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) Unless otherwise provided in a specific Chapter or Section, the Code of Ordinances, Village of Arlington, Wisconsin shall take effect as provided by state law.
- (b) All Ordinances passed by the Village Board subsequent to the adoption of the Code of Ordinances, except when otherwise specifically provided, shall take effect from and after the date of publication or posting as required by law.

**SECTION 1.06 General Penalty.**

- (a) **General Penalty.** Except as provided in Section 1.11 or where a penalty is elsewhere provided in this Code, 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:
  - (1) **First Offense-Penalty.** Any person who shall violate any provision of this Code shall, upon conviction thereof, forfeit not less than twenty-five dollars (\$25.00) nor more than one thousand dollars (\$1,000.00), 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.
  - (2) **Second Offense-Penalty.** Any person who shall violate found any provision of this Code who shall previously have been convicted of a violation of the same ordinance within one year shall upon conviction thereof, forfeit not less than fifty dollars (\$50.00) nor more than two thousand dollars (\$2,000.00) for each such offense, together with 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 of prosecution are paid, but not exceeding six (6) months.
- (b) **Continued Violations.** Each violation and each day a violation continues or occurs shall constitute a separate offense. Nothing in this Code shall preclude the Village from maintaining any appropriate action to prevent or remove a violation of any provision of this Code.
- (c) **Other Remedies.** The Village shall have any and all other remedies afforded by the Wisconsin Statutes in addition to the forfeitures and costs of prosecution above.

**SECTION 1.07 Village Clerk to Maintain Copies of Documents Incorporated by Reference.**

Whenever any standard code, rules, 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 Village Clerk shall maintain in her office a copy of any such material as adopted and as amended from time to time. Materials on file at the Village Clerk's office shall be considered public records open to reasonable examination by any person during the office hours of the Village Clerk subject to such restriction on examination as the Village Clerk imposes for the preservation of the material.

**SECTION 1.08 Authorization of Use of Citation.**

The Village of Arlington hereby elects to use the citation method of enforcement of Ordinances. The President of the Village Board, Board members, and the Village Clerk are hereby authorized pursuant to Section 66.0113(2), Wis. Stats., to issue citations for violations of this Code of Ordinances, including ordinances for which a statutory counterpart exists.

**SECTION 1.09 Officials Authorized to Issue Citation.**

Citations authorized in Section 1.08 above may also be issued by law enforcement officers and by the following designated Village officials with respect to Sections of the Code which are directly 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.
- (b) Fire Chief or his Designee.
- (c) Weed Commissioner.

**SECTION 1.10 Form of Citation.**

The form of the citation to be issued by the Village is incorporated herein by reference and shall provide 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 Ordinance violated;
- (e) A designation of the offense in such 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 which in essence 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 such a deposit; he need not appear in court unless subsequently summoned;
  - (3) That if the alleged violator makes a cash deposit and does not appear in court, he will be deemed to have tendered a plea of no contest and submitted to a forfeiture, costs, fees and a penalty assessment imposed by Chapter 814 Wis. Stats., and court costs 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;
  - (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 plus costs, fees and penalty assessment imposed by Chapter 814, Wis. Stats.;

- (5) A direction that if the alleged violator elects to make a cash deposit, the alleged violator shall sign an appropriate statement which accompanies the citation to indicate that he read the statement required under this Subsection and shall send the signed statement with the cash deposit;
- (6) Such other information as may be deemed necessary.

**SECTION 1.11 Schedule of Cash Deposits.**

A Schedule of Cash Deposits for the various Ordinances for which a citation may be issued shall be established by Resolution by the Village Board from time-to-time. A copy of the most current Deposit Schedule shall be kept on file with the Village Clerk. In addition to the appropriate cash deposit as established by the Deposit Schedule, all citations issued under this Chapter shall further specify the corresponding penalty assessments, court costs, court automation fee, jail assessment and any other costs required by Statute to be assessed.

**SECTION 1.12 Receipt of Cash Deposits.**

Deposits shall be made in cash, money order, personal checks or certified check to the Clerk of Circuit Court. Receipts shall be given for all deposits received.

**SECTION 1.13 Procedure.**

Section 66.0113(3) of Wisconsin Statutes relating to violator's options and procedure on default, is hereby adopted and incorporated herein by reference.

**SECTION 1.14 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 hereunder shall 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.