

## CHAPTER 21.00 GENERAL PROVISIONS

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### 21.01 RULES OF CONSTRUCTION.

- A. In the construction of this Code of general ordinances, the following rules shall be observed unless such construction would be inconsistent with the manifest intent of the ordinance:
  - 1. Wisconsin Statutes. The term Wisconsin Statutes whenever used in this Code shall mean the current Wisconsin Statutes.
  - 2. Gender, Singular and Plural. Every word in this Code and in any ordinance imparting masculine gender may extend and be applied to females as well as males, and every word imparting the singular number may only extend and be applied to several persons or things as well as to one person or thing; provided that these rules on construction shall not be applied to any provisions which shall contain any express language excluding such construction or when the subject matter or context of such provisions may be repugnant thereto.
  - 3. Person. The word “person” extends and applies to natural persons, firms, corporations, associations, partnerships or other bodies politic and all entities of any kind capable of being sued unless plainly inapplicable.
  - 4. Acts of Agents. When a provision requires an act to be done which may by law as well be done by an agent as by the principal, such requirements shall be construed to include all such acts when done by an authorized agent.

### 21.02 CONFLICT AND SEPARABILITY.

- A. CONFLICT OF PROVISIONS. If the provisions of the different chapters of this Code conflict with or contravene each other, the provisions of each chapter shall prevail as to all matters and questions arising out of the subject matter of such chapter.
- B. SEPARABILITY OF CODE PROVISIONS. If any section, subsection, sentence, clause or phrase of the Code 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 section, subsection, sentence, clause or phrase or portion thereof. The Village Board hereby declares

that they would have passed this code and each section, subsection, sentence, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions thereof may be declared invalid or unconstitutional.

### **21.03 CLERK TO FILE DOCUMENTS INCORPORATED BY REFERENCE.**

- A. Whenever in this Code any standard, code, rule, regulation 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 is hereby directed and required to file, deposit and keep in his office a copy of the Code, standard, rule, regulation or other written or printed matter as adopted. Materials so filed, deposited and kept shall be public records open for examination with proper care by any person during the Village Clerk's office hours, subject to such orders or regulations, which the Village Clerk may prescribe for their preservation.

### **21.04 PENALTY PROVISION.**

- A. GENERAL PENALTY. Whenever so 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 subject to a penalty shall, upon conviction thereof, forfeit an appropriate fine, together with the costs of prosecution and in default of payment of such forfeiture and costs of prosecution may be imprisoned in the county jail until said forfeiture and costs are paid.
  2. Second Offense – Penalty. Any person found guilty of violating any Ordinance or part of an Ordinance of this Code who shall previously have been convicted of a violation of the same Ordinance shall upon conviction thereof, forfeit an appropriate fine for each offense, together with the costs of prosecution may be imprisoned in the county jail until said forfeiture and costs of prosecution are paid.
- B. EXECUTION AGAINST DEFENDANTS PROPERTY. Whenever any person fails to pay any forfeiture and cost of prosecution under the order of the court for violation of any Ordinance of the Village, the court may, in lieu of ordering imprisonment of the defendant, or after the defendant has been released from custody, issue an execution against the property of the defendant for said forfeiture and costs.
- C. JUVENILE PENALTY.
1. Definition. “Juvenile” means a person who is twelve (12) years of age or older but less than seventeen (17) years of age.
  2. Penalty. Any juvenile who violates any provision of this Code or any rule or regulation adopted or issued pursuant hereto or any provision of any

code adopted herein by reference, upon conviction of such violation, shall be subject to imposition of any of the dispositions set forth in Sections 938.344 of Wis. Stats. in accordance with the provisions of those sections. Any juvenile who violates a condition of a dispositional order under Sections 938.343 or 938.344 of Wis. Stats. upon adjudication of such violation, shall be subject to imposition of any of the sanctions set forth in Sec. 938.355(6)(d), Wis. Stats., in accordance with the provisions of that section. (#97-05)

## **21.05 EFFECTS OF REPEALS.**

The repeal or amendment of any section or provision of this Code or of any other ordinance or resolution of the Village Board shall not:

- A. By implication be deemed to revive any ordinance not in force or existing at the time at which such repeal or amendment takes place.
- B. Affect any vested rights privilege, obligation or liability acquired, accrued or incurred under any enactment so repealed or emended, unless the privilege of repealing such obligation or privilege has been reserved by the Village.
- C. Affect any offense committed or penalty or forfeiture incurred, previous to the time when an ordinance shall be repealed or amended, unless the privilege of repealing such obligation or privilege has been reserved by the Village.
- D. Affect any prosecution for any offense, or the levy of any penalty or forfeiture pending at the time when any ordinance aforesaid shall be repealed or amended, but the right of action shall continue and the offender shall be subject to the penalty as provided in such ordinances, and such prosecution shall proceed, in all respects, as if such ordinance or ordinances has not been repealed, except that all such proceedings had after the time this Code shall take effect, shall be conducted according to the provisions of this Code.

## **21.06 TITLE: EFFECTIVE DATE: CITATION.**

- A. These ordinances shall be known as the Village Code of the Village of Jackson, Wisconsin and shall take effect from and after passage and publication as provided in 66.035, Wis. Stats. All references thereto shall be cited by section number (example: 10.06, Village Code of the Village of Jackson, Wisconsin).

## **21.07 ENFORCEMENT.**

- A. STATUTORY AUTHORITY. Pursuant to 66.119 Wis. Stats. the Village elects to use the citation method of enforcement of ordinances, including those for which a statutory counterpart exists.
- B. CITATION. The citation shall contain the following:
  - 1. The name and address of the alleged violator.

2. 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 such manner as can readily be 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, which in essence informs the alleged violator:
  - a. That a cash deposit based on the schedule established by this section may be made, which shall be delivered or mailed to the Clerk or director of Public Safety prior to the time of scheduled court appearance.
  - b. That if a cash deposit is made, no appearance in court is necessary unless he is subsequently summoned.
  - c. That if a cash deposit is made and the alleged violator does not appear in court at the time specified, an action might be commenced to collect the forfeiture.
  - d. That if no cash deposit is made and the alleged violator does not appear in court at the time specified, an action might be commenced to collect the forfeiture.
  - e. A direction that if the alleged violator elects to make a cash deposit, the statement which accompanies the citation shall be signed to indicate that the statement required in par. (7) has been read. Such statement shall be sent or brought with the cash deposit.
  - f. Such other information as the Village deems necessary.

The form of the citation to be used by the Village is on file in the Village Clerk's office and is made a part of this section by reference as if fully set forth herein.

C. BOND SCHEDULE FOR MUNICIPAL ORDINANCE VIOLATIONS. The bond schedule shall be set forth by Village Board Resolution.

D. ISSUANCE OF CITATION.

1. Law Enforcement Officer. Any law enforcement officer may issue citation authorized under this section.

2. Village Officials. The following Village officials may issue a citation with respect to those specified Ordinances, which are directly related to their official responsibilities.
  - a. Director of Public Safety.
  - b. All Police Officers.
  - c. Building Inspector.
  - d. Electrical Inspector.
  - e. Plumbing Inspector.
  
- E. PROCEDURE. Sec. 66.119(3), Wis. Stats. relating to violator's options and procedure on default, is hereby adopted and incorporated herein by reference.
  
- F. NON-EXCLUSIVITY.
  1. Other Ordinances. Adoption of this section does not preclude the Village Board from adopting any other Ordinance or providing for enforcement of any other law or Ordinance relating to the same or other matter.
  2. Other Remedies. The issuance of a citation hereunder shall not preclude the Village or any authorized officer from proceeding under any other Ordinance or law by any other enforcement method to enforce any Ordinance, regulation or order.