

Chapter 1

GENERAL PROVISIONS

[HISTORY: Adopted by the Village Board of the Village of Plover as indicated in article histories. Amendments where noted where applicable.]

ARTICLE I

Construction and Enforcement

[Adopted 6-4-1985 as §§ 9.19, 9.21, 25.01, 25.02(1), 25.03 and 25.04 of the 1985 Code]

§ 1-1. Rules of construction.

In the construction of this Code, the following rules shall be observed, unless such construction would be inconsistent with the manifest intent of the ordinance:

- A. Wisconsin Statutes. The term "Wisconsin Statutes" or "Wis. Stats.," wherever used in this Code, shall mean the Wisconsin Statutes as of the adoption of this Code, as amended or renumbered from time to time. [Amended 8-20-2008 by Ord. No. 8-10-08]
- B. Gender; singular and plural. Every word in this Code and in any ordinance importing the masculine gender may extend and be applied to females as well as males, and every word importing the singular number only may extend and be applied to several persons or things as well as to one person or thing, provided that these rules of 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.
- C. 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.
- D. Acts by 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 requisition shall be construed to include all such acts when done by an authorized agent.

§ 1-2. Conflicting 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.

§ 1-3. Documents incorporated by reference.

Whenever in this Code any standard, code, rule, regulation or other written or printed matter, other than the Wisconsin Statutes or other sections of this Code, 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 standard, code, 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 Clerk's office hours, subject to such orders or regulations which the Clerk may prescribe for their preservation.

§ 1-4. Violations and penalties.

- A. General penalty. Except as provided in Subsection B of this section, whenever so provided in this Code, any person who shall violate any of the provisions of this Code, where no other penalty is prescribed, shall, upon conviction of such violation, be subject to a penalty which shall be as follows: [Amended by Ord. No. 7-99; 8-20-2008 by Ord. No. 8-10-08]
 - (1) First offense. Any person who shall violate any provision of this Code subject to a penalty shall, upon conviction thereof, forfeit not less than \$10 nor more than \$500, 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 said forfeiture and costs are paid, but not exceeding 90 days.
 - (2) Second offense. 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 not less than \$20 nor more than \$1,000 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 said forfeiture and costs of prosecution are paid, but not to exceed six months.
- B. Penalty for minors. In the event that proceedings are commenced against children aged 16 or older for violations of Chapter 496, Vehicles and Traffic, of this Code, or children 12 years of age or older for other violations of this Code except Chapter 496, the dispositions as authorized under § 938.343, Wis. Stats., shall be applicable. [Amended 8-20-2008 by Ord. No. 8-10-08]
- C. 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.
- D. Execution against defendant's property. Whenever any person fails to pay any forfeiture and costs of prosecution upon 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.

§ 1-5. Citations.

- A. Uniform citation method adopted. Pursuant to § 66.0113, Wis. Stats., the Village hereby elects to use the citation method of enforcement of ordinances, including

those for which a statutory counterpart exists. [Amended by Ord. No. 14-88]

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 or this Code violated.
- (5) A designation of the offense in such manner as 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 incorporates the terms found in § 66.0113(1)(b)7, Wis. Stats., as it may be amended from time to time. [Amended by Ord. No. 3-88; Ord. No. 9-00; 8-20-2008 by Ord. No. 8-10-08]
- (8) 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 under Subsection B(7) above has been read. Such statement shall be sent or brought with the cash deposit.
- (9) Such other information as the Village Board deems necessary.

C. Deposits.

- (1) Each citation issued under this section, except those to which Subsection C(4) below applies, shall specify a cash deposit as set forth in § 1-4 of this article, which consists of the appropriate forfeiture and costs, fees and surcharges imposed under Ch. 814, Wis. Stats. [Amended by Ord. No. 3-88; 8-20-2008 by Ord. No. 8-10-08]
- (2) Deposits shall be made in cash, money order or check to the Village Police Department or the Portage County Clerk of Courts, who shall provide a receipt therefor.
- (3) The penalty surcharge imposed by § 757.05, Wis. Stats., the jail surcharge imposed by § 302.46, Wis. Stats., and the justice information system surcharge and special prosecution clerk's surcharge imposed by § 814.86, Wis. Stats., shall be added to all forfeitures hereunder, except where said forfeitures are derived from citations issued for violations of ordinances for which state law controls or for ordinances involving nonmoving traffic violations. Said assessments shall be in an amount determined after deducting the court costs. [Amended by Ord. No. 3-88; 8-20-2008 by Ord. No. 8-10-08]
- (4) Unless otherwise permitted by Wisconsin Statutes, the deposit, including costs, pertaining to any minor receiving a citation under this section shall in no event exceed \$50 plus the penalty surcharge imposed by § 757.05, Wis. Stats., the jail surcharge imposed by § 302.46, Wis. Stats., and the justice

information system surcharge and special prosecution clerk's surcharge imposed by § 814.86, Wis. Stats. Costs and penalties shall not be assessed against minors unless Wisconsin law so provides. [Amended by Ord. No. 3-88; 8-20-2008 by Ord. No. 8-10-08; by Ord. No. 9-14]

- D. Deposit schedule. Every police officer issuing a citation for any violation of this Code shall indicate on the citation the amount of the deposit that the alleged violator may make in lieu of court appearance. The amount of the deposit shall be determined in accordance with the Village of Plover Bond Schedule which is hereby adopted by reference.
- E. Issuance of citation. [Amended by Ord. No. 22-86; Ord. No. 1-96]
 - (1) In addition to any duly sworn law enforcement officer, the following Village officials shall be empowered to issue citations for violations of the Village ordinances falling within their jurisdictions:
 - (a) Community Development Manager.
 - (b) Building Inspector.
 - (c) Health Officer.
 - (d) Fire Chief.
 - (e) Public Works Manager.
 - (2) Such Village officials may delegate their authority to issue citations to their assistants and subordinates with prior approval of the Village Board.
- F. Procedure. Section 66.0113(3), Wis. Stats., relating to a violator's options and procedure on default, is hereby adopted and incorporated herein by reference.
- G. Nonexclusivity.
 - (1) Other ordinances. Adoption of this section 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.
 - (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 or by any other enforcement method to enforce any ordinance, regulation or order.

§ 1-6. Bond schedule.

(Kept on file with the Village of Plover Police Department.)

ARTICLE II
Adoption of Code
[Adopted 8-20-2008 by Ord. No. 8-10-08]

§ 1-7. Adoption of Code.

Pursuant to § 66.0103, Wis. Stats., the ordinances of the Village of Plover of a general and permanent nature adopted by the Village Board of the Village of Plover, as revised, codified and consolidated into chapters and sections by General Code, and consisting of Chapters 1 through 550, together with an Appendix, are hereby approved, adopted, ordained and enacted as the "Code of the Village of Plover," hereinafter referred to as the "Code."

§ 1-8. Code supersedes prior ordinances.

This ordinance and the Code shall supersede all other general and permanent ordinances enacted prior to the enactment of this Code, except such ordinances as are hereinafter expressly saved from repeal or continued in force.

§ 1-9. Continuation of existing provisions.

The provisions of the Code, insofar as they are substantively the same as those of the ordinances in force immediately prior to the enactment of the Code by this ordinance, are intended as a continuation of such ordinances and not as new enactments, and the effectiveness of such provisions shall date from the date of adoption of the prior ordinances.

§ 1-10. Copy of Code on file.

A copy of the Code has been filed in the office of the Village Clerk and shall remain there for use and examination by the public for at least two weeks, in accordance with § 66.0103, Wis. Stats., and until final action is taken on this ordinance, and, if this ordinance shall be adopted, such copy shall be certified to by the Village Clerk, and such certified copy shall remain on file in the office of said Village Clerk to be made available to persons desiring to examine the same during all times while said Code is in effect.

§ 1-11. Amendments to Code.

Any and all additions, deletions, amendments or supplements to the Code, when adopted in such form as to indicate the intention of the Village Board to make them a part thereof, shall be deemed to be incorporated into such Code so that reference to the "Code of the Village of Plover" shall be understood and intended to include such additions, deletions, amendments or supplements. Whenever such additions, deletions, amendments or supplements to the Code shall be adopted, they shall thereafter be inserted in the Code as amendments and supplements thereto.

§ 1-12. Publication; filing.

The Clerk of the Village of Plover, pursuant to law, shall cause to be published, in the manner required by law, a notice of the adoption of this ordinance. Sufficient copies of the Code shall be maintained in the office of the Clerk for inspection by the public at all times during regular office hours. The publication of notice of the enactment of this ordinance, coupled with the availability of a copy of the Code for inspection by the public, shall be deemed, held and considered to be due and legal publication of all

provisions of the Code for all purposes.

§ 1-13. Code to be kept up-to-date.

It shall be the duty of the Village Clerk, or someone authorized and directed by the Clerk, to keep up-to-date the certified copy of the Code required to be filed in the Clerk's office for use by the public. All changes in said Code and all ordinances adopted subsequent to the effective date of this codification which shall be adopted specifically as part of the Code shall, when finally adopted, be included therein by reference until such changes or new ordinances are included as supplements to said Code book.

§ 1-14. Sale of Code.

Copies of the Code, or any chapter or portion of it, may be purchased from the Clerk or an authorized agent of the Clerk upon the payment of a fee to be set by the Village Board. The Clerk may also arrange for procedures for the periodic supplementation of the Code.

§ 1-15. Altering or tampering with Code; penalties for violation.

It shall be unlawful for anyone to improperly change or amend, by additions or deletions, any part or portion of the Code or to alter or tamper with such Code in any manner whatsoever which will cause the law of the Village of Plover to be misrepresented thereby. Anyone violating this section or any part of this ordinance shall be subject, upon conviction, to a penalty as provided in § 1-4 of the Code.

§ 1-16. Severability of Code provisions.

Each section of the Code and every part of each section is an independent section or part of a section, and the holding of any section or a part thereof to be unconstitutional, void or ineffective for any cause shall not be deemed to affect the validity or constitutionality of any other sections or parts thereof. If any provision of this Code or the application thereof to any person or circumstances is held invalid, the remainder of this Code and the application of such provision to other persons or circumstances shall not be affected thereby.

§ 1-17. Severability of ordinance provisions.

Each section of this ordinance is an independent section, and the holding of any section or part thereof to be unconstitutional, void or ineffective for any cause shall not be deemed to affect the validity or constitutionality of any other sections or parts thereof.

§ 1-18. Repealer.

All ordinances or parts of ordinances of a general and permanent nature adopted and in force on the date of the adoption of this ordinance and not contained in the Code are hereby repealed as of the effective date of this Adoption Ordinance, except as hereinafter provided.

§ 1-19. Ordinances saved from repeal.

The adoption of this Code and the repeal of ordinances provided for in § 1-18 of this ordinance shall not affect the following ordinances, rights and obligations, which are hereby expressly saved from repeal:

- A. Any ordinance adopted subsequent to December 31, 2006.
- B. Any right or liability established, accrued or incurred under any legislative provision prior to the effective date of this ordinance or any action or proceeding brought for the enforcement of such right or liability.
- C. Any offense or act committed or done before the effective date of this ordinance in violation of any legislative provision or any penalty, punishment or forfeiture which may result therefrom.
- D. Any prosecution, indictment, action, suit or other proceeding pending or any judgment rendered prior to the effective date of this ordinance brought pursuant to any legislative provision.
- E. Any franchise, license, right, easement or privilege heretofore granted or conferred.
- F. Any ordinance providing for the laying out, opening, altering, widening, relocating, straightening, establishing grade, changing name, improvement, acceptance or vacation of any right-of-way, easement, street, road, highway, park or other public place or any portion thereof.
- G. Any ordinance appropriating money or transferring funds, promising or guaranteeing the payment of money or authorizing the issuance and delivery of any bond or other instruments or evidence of the Village's indebtedness.
- H. Ordinances authorizing the purchase, sale, lease or transfer of property or any lawful contract or obligation.
- I. The levy or imposition of taxes, assessments or charges.
- J. The annexation or dedication of property or approval of preliminary or final subdivision plats.
- K. Ordinances providing for local improvements or assessing taxes or special assessments therefor.
- L. All currently effective ordinances pertaining to the rate and manner of payment of salaries and compensation of officers and employees.
- M. Any legislation relating to or establishing a pension plan or pension fund for municipal employees.
- N. Any ordinances adopting or amending the Zoning Map or otherwise rezoning property.
- O. Any charter ordinances.
- P. Any ordinance or portion of an ordinance establishing a specific fee amount for any

license, permit or service obtained from the Village.

§ 1-20. New ordinances; changes in previously adopted ordinances. ¹

The adoption of the Code provided in § 1-7 includes the adoption of the following, as set forth in the Code on file in the office of the Clerk pursuant to § 1-10:

- A. New ordinances: Chapter 460, Article V, Solid Waste Transfer Facility, and Chapter 502, Wastewater Utility.
- B. Revisions to existing ordinances deemed necessary and authorized by the Village Board to bring the ordinances of the Village into compliance with current procedures and statutory requirements.

§ 1-21. When effective.

This ordinance shall take effect upon passage and publication as required by law.

¹. Editor's Note: In accordance with § 1-20, the chapters, parts and sections which were added, amended, adopted or deleted by this ordinance are indicated throughout the Code by a footnote referring to Chapter 1, General Provisions, Article II. During routine supplementation, footnotes indicating amendments, additions or deletions will be replaced with the following history: "Amended (added, deleted) 8-20-2008 by Ord. No. 8-10-08." Schedule A, which contains a complete description of all changes, is on file in the Village offices.