

# CHAPTER 25

## CONSTRUCTION AND EFFECT OF ORDINANCES

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17

25.01..... Rules of Construction

25.02..... Conflict and Separability

25.03..... Clerk to File Documents Incorporated by Reference

25.04..... Penalty Provisions

25.05..... Repeal of General Ordinances

25.06..... Effect of Repeals

25.07..... Title; Effective Date; Citation

25.08..... Keeping Code Current; Revisor's Amendments

18 **25.01 RULES OF CONSTRUCTION.** In the construction of this General Code the  
19 following rules shall be observed unless such construction would be inconsistent with the  
20 manifest intent of the ordinance:

21

22 (1) **WISCONSIN STATUTES.** All references to "Wisconsin Statutes" or "Wis. Stats."  
23 shall mean the Wisconsin Statutes for the years 2017-18 and 2019-20.

24

25 (2) **GENDER, SINGULAR AND PLURAL.** Every word in this Code, and in any  
26 ordinance imparting the masculine gender, may extend and be applied to females  
27 as well as males, and every word imparting the singular number only may extend  
28 and be applied to several persons or things as well as to one person or thing;  
29 provided these rules of construction shall not be applied to any provision which  
30 contains any express language excluding such construction, or when the subject  
31 matter or context of such provision may be repugnant thereto.

32

33 (3) **PERSON.** The word "person" extends and applies to natural persons, firms,  
34 corporations, associations, partnerships or other bodies politic and to all entities  
35 capable of being sued, unless plainly inapplicable.

36

37 (4) **ACTS OF AGENTS.** When a provision requires an act to be done which may by  
38 law as well be done by an agent as by the principal, such requirement shall be  
39 construed to include all such acts when done by an authorized agent.

40

41 **25.02 CONFLICT AND SEPARABILITY.**

42

43 (1) **CONFLICT OF PROVISIONS.** If the provisions of the different chapters of this  
44 Code conflict with or contravene each other, the provisions of each chapter shall  
45 prevail as to all matters and questions arising out of the subject matter of such  
46 chapter.

47

48 (2) **SEPARABILITY OF CODE PROVISIONS.** If any section, subsection, sentence,  
49 clause or phrase of the Code is, for any reason, held to be invalid or  
50 unconstitutional by reason of any decision of any court of competent jurisdiction,  
51 such decision shall not affect the validity of any other section, subsection,  
52 sentence, clause or phrase or portion thereof. The Board hereby declares that it  
53 would have passed this Code and each section, subsection, sentence, clause, phrase  
54 or portion thereof irrespective of the fact that any one or more sections,  
55 subsections, sentences, clauses, phrases or portions may be declared invalid or  
56 unconstitutional.

57

58 **25.03 CLERK TO FILE DOCUMENTS INCORPORATED BY REFERENCE.**

59 Whenever in this Code any standard, code, rule, regulation or other written or printed  
60 matter is adopted by reference, it shall be deemed incorporated in this Code as if fully set  
61 forth herein, and the Clerk shall file, deposit and keep in his office a copy of the Code,  
62 standard, rule, regulation or other written or printed matter as adopted. Materials so filed,  
63 deposited and kept shall be public records open for examination with proper care by any

64 person during the Clerk's office hours, subject to such orders or regulations which the  
65 Clerk may prescribe for their preservation.

66

67 **25.04 PENALTY PROVISIONS.**

68

69 (1) GENERAL PENALTY. Except as otherwise provided, any person who shall  
70 violate any of the provisions of this Code shall, upon conviction of such violation,  
71 be subject to a penalty which shall be as follows:

72

73 (a) First Offense. Any person who shall violate any provision of this Code shall,  
74 upon conviction thereof, forfeit amount as is set from time to time by the Town  
75 Board, together with court costs and costs of prosecution.

76

77 (b) Second Offense. Any person found guilty of violating any provision of this  
78 Code who has previously been convicted of a violation of the same Code  
79 offense within one year of the date of such conviction shall, upon such second  
80 conviction, forfeit amount as is set from time to time by the Town Board for  
81 each such second or subsequent offense, together with court costs and costs of  
82 prosecution.

83

84 (2) EXECUTION AGAINST DEFENDANT'S PROPERTY. Whenever any person  
85 fails to pay any forfeiture and costs of prosecution upon the order of any court for  
86 violation of any ordinance of the Town, the court may, issue an execution against  
87 the property of the defendant for such forfeiture and costs.

88

89 (a) Injunctive Relief. In addition to the imposition of a forfeiture for an offense,  
90 the Town may seek injunctive relief to prohibit a continuing violation or  
91 offense, or to remove or eliminate a violation.

92

93 (3) CITATION METHOD OF ENFORCEMENT.

94

95 (a) Statutory Authorization. Pursuant to Wis. Stat. §66.0113, the Town elects to  
96 use the citation method of enforcement of ordinances, including those for  
97 which a statutory counterpart exists.

98

99 (b) Contents of Citation. The citation shall contain the following:

100

101

1. Name and address of the alleged violator.

102

103

2. Factual allegations describing the alleged violation.

104

105

3. Time and place of the offense.

106

107

4. Number and section of the ordinance violated.

108

109

5. A designation of the offense in such a manner as can readily be understood

110  
111  
112  
113  
114  
115  
116  
117  
118  
119  
120  
121  
122  
123  
124  
125  
126  
127  
128  
129  
130  
131  
132  
133  
134  
135  
136  
137  
138  
139  
140  
141  
142  
143  
144  
145  
146  
147  
148  
149  
150  
151  
152  
154  
155  
156  
157

by a person making a reasonable effort to do so.

6. Time and date in which the violator may appear in court.

7. A statement which informs the violator:

a. That a cash deposit based on the established schedule may be delivered or mailed to the Clerk of Circuit Court prior to the time of the scheduled court appearance.

b. That if a deposit is made no appearance in court is necessary unless he is subsequently summoned.

c. 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 Wis. Stat. Chapter 814, 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 no cash deposit is made and the alleged violator does not appear in court at the time specified, an action may 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 required statement has been read. Such statement shall be sent or brought with the cash deposit.

f. If the court finds that the violation involves an ordinance that prohibits conduct that is the same as or similar to conduct prohibited by state statute punishable by fine or imprisonment or both, and that the violation resulted in damage to the property of or physical injury to a person other than the alleged violator, the court may summon the alleged violator into court to determine if restitution shall be ordered under Wis. Stat. §800.093.

8. Deposits shall be made in cash, money order or certified check to the Clerk of Circuit Court who shall provide a receipt therefor.

(c) Issuance of Citations. Citations under this section shall be issued by the Town Chair or designee.

(d) Procedure. Wis. Stat. §66.0113(3) relating to violator's options and procedures on default is hereby adopted and incorporated by reference.

(e) Nonexclusivity.

158  
159  
160  
161  
162  
163  
164  
165  
166  
167  
168  
169  
170  
171  
172  
173  
174  
175  
176  
177  
178  
179  
180  
181  
182  
183  
184  
185  
186  
187  
188  
189  
190  
191  
192  
193  
194  
195  
196  
197  
198  
199  
200  
201  
202  
203

1. Other Ordinance. Adoption of this subsection does not preclude the Town 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 Town Board or any authorized officer from proceeding under any other ordinance or law or by any other enforcement method to enforce any provisions of this code or any other ordinance, regulation or order.

(f) Exclusion. The uniform complaint adopted in this subsection shall not be used in connection with those traffic ordinances adopted by reference where a uniform traffic citation is required to be used.

(g) Service of Citation. All citations issued hereunder shall be served by a designated law enforcement officer or town representative personally or by regular mail upon the defendant. The Town Board may, at their discretion, issue a warning letter prior to issuance of a citation.

(4) CONTINUED VIOLATIONS. Each violation and each day a violation continues or occurs shall constitute a separate offense.

**25.05 REPEAL OF GENERAL ORDINANCES.** All ordinances previously adopted by the Town Board which are in conflict with any provision of this General Code are hereby repealed, except all ordinances or parts of ordinances relating to the following subjects and not conflicting with any of the provisions of this Code:

- (1) The issuance of corporate bonds and notes of the Town of whatever name or description.
- (2) The establishment of grades, curb lines and widths of sidewalks in the public streets and alleys.
- (3) The fixing of salaries of public officials and employees.
- (4) Rights, licenses, franchises or the creation of any contract with the Town.
- (5) The lighting of streets and alleys.
- (6) The naming and changing of names of streets, alleys, public grounds and parks.
- (7) The letting of contracts without bids.
- (8) The establishment of wards, ward boundaries and election precincts.
- (9) Tax and special assessment levies.

- 204  
205 (10) Releases of persons, firms or corporations from liability.  
206  
207 (11) Construction of public works.  
208  
209 (12) Water, sewer and electric rates, rules and regulations, and sewer and water main  
210 construction.  
211  
212 (13) Budget ordinances, resolutions and actions.

213  
214 **25.06 EFFECT OF REPEALS.** The repeal or amendment of any section or provision of  
215 this Code, or of any other ordinance or resolution of the Board, shall not:

- 216  
217 1) By implication be deemed to revive any ordinance not in force or existing at the  
218 time such repeal or amendment takes effect.  
219  
220 2) Affect any vested right, privilege, obligation or liability acquired, accrued or  
221 incurred under any enactment so repealed or amended, unless the privilege of  
222 repealing such obligation or privilege has been reserved by the Town.  
223  
224 3) Affect any offense committed, or penalty or forfeiture incurred, previous to the  
225 time when any ordinance is repealed or amended; except when any forfeiture or  
226 penalty has been mitigated by the provisions of any ordinance, such provisions  
227 shall apply to and control any judgment to be pronounced after such ordinance  
228 takes effect for any offense committed before that time.  
229  
230 4) Affect any prosecution for any offense, or the levy of any penalty or forfeiture  
231 pending at the time when any ordinance above is repealed or amended; but the  
232 right of action shall continue and the offender shall be subject to the penalty as  
233 provided in such ordinance, and such prosecution shall proceed, in all respects, as  
234 if such ordinance had not been repealed; except all such proceedings had after the  
235 time this Code takes effect shall be conducted according to the provisions of this  
236 Code.

237  
238 **25.07 TITLE; EFFECTIVE DATE; CITATION.** These ordinances shall be known as  
239 the "General Code of the Town of River Falls, Wisconsin," and shall take effect from and  
240 after passage and publication as provided in Wis. Stat. §66.035. All references thereto  
241 shall be cited by section number (example: Section 13.06, General Code of the Town of  
242 River Falls).

243  
244 **25.08 KEEPING CODE CURRENT; REVISOR'S AMENDMENTS.** As each  
245 ordinance or resolution affecting the General Code becomes effective, the Town Clerk  
246 shall forward such ordinance or resolution to the Revisor, who shall incorporate them into  
247 the General Code. The Revisor shall make no substantive changes to such ordinances and  
248 resolutions, but may renumber, rearrange and edit them without first submitting them to  
249 the Town Board; and such rearranging, renumbering and editing shall not affect the

250 validity of such ordinances and resolutions or the provisions of this General Code affected  
251 thereby.