

CHAPTER 1: GENERAL PROVISIONS

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CHAPTER 1: GENERAL PROVISIONS

1.0100 CONSTRUCTION AND EFFECT OF ORDINANCES

1.0101 Authority

This Code of General Ordinances is adopted under the authority granted by Section 66.0103 of the Wisconsin Statutes.

1.0102 Title

This Code of Ordinances shall be known, cited, and referenced to as the Code of Ordinances of the Town of Franklin, Kewaunee County, Wisconsin.

1.0103 Amendments

Any additions or amendments to this code are incorporated in this code so that a reference to the Code of the Town of Franklin includes such additions and amendments.

1.0200 RULES OF CONSTRUCTION

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:

1.0201 Wisconsin State Statutes

The term Wis. State Stats. wherever used in this Code shall mean the Wisconsin State Statutes.

- A. **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 provision may be repugnant thereto.
- B. **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.
- C. **Acts or 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 requirement shall be construed to include all such acts when done by an authorized agent.
- D. **Numbering of Sections.** Each section number of this code shall consist of two component parts separated by a period, the figure before the period referring to the chapter number and the figure after the period referring to the position of the section within the chapter.

- E. **Number Additions.** The decimal system shall be used for all additions or amendments to this code. When a chapter or section is to be added the new chapter or section shall be given a decimal character, when practical using the following outline:

- Chapter 1
- Section 1.0100
- 1.0101
- A.
- 1.
- a.
- (1)
- (a)

1.0202 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, 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.

1.0203 Affect on General Ordinances

Any existing ordinances heretofore adopted by the Town Board which is not made part of this Code shall be unaffected by this Code of Ordinances. Where there is a conflict between this Code and such existing ordinance, the more restrictive provisions shall apply.

1.0204 Effect of Repeals

The repeal or amendment of any Section or provision of this Code or of any other ordinance or resolution of the 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 effect.
- B. Affect any vested right, privilege, obligation or liability acquired, accrued or incurred under any enactment so repealed or amended, unless the privilege of repealing such obligation or privilege has been reserved by the Town.

- C. Affect any offense committed or penalty or forfeiture incurred, previous to the time when any ordinance shall be repealed or amended, except that when any forfeiture or penalty shall have been mitigated by the provisions of any ordinance, such provisions shall apply to and control any judgement to be pronounced after such ordinance takes effect for any offense committed before that time.
- 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 had 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.

1.0205 Effective Date

This Code of Ordinances shall take effect from and after passage and publication as provided in Section 60.80, and Section 66.0103 Wis. State Stats. All references thereto shall be cited by Section number (example: Section 13.06, Town of Franklin Code of Ordinances).

1.0206 Copies on File

Copies of this Code of Ordinances shall be maintained and available for inspection in the office of the Town Clerk.

1.0207 Penalties

See section 1.0600-and Penalty Provisions that are cited elsewhere in this code.

1.0208 Keeping Code Current; Revisor’s Amendments

As each ordinance or resolution affecting the Code of Ordinances becomes effective, the Town Clerk shall cause the incorporation of them into the Code of Ordinances. The Town Clerk shall make no substantive changes to such ordinances and resolutions but may renumber, rearrange and edit them without first submitting them to the Town Board; and such rearranging, renumbering and editing shall not affect the validity of such ordinances and resolutions or the provisions of this Code of Ordinances affected thereby.

1.0300 RESERVED

1.0400 RESERVED

1.0500 RESERVED

1.0600 ISSUANCE OF CITATIONS

The Board of Supervisors of the Town of Franklin does ordain as follows:

1.0601 Authority

Pursuant to the authority of Section 66.013 of the Wisconsin Statutes, the Town of Franklin hereby elects to use the citation method of enforcement of ordinance including those for which a statutory counter-part exists.

1.0602 Citation Content

A. The citation shall contain the following:

1. The name and address of alleged violation
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
7. A statement which in essence informs the alleged violator
 - (a) That a cash deposit based on the schedule established by this ordinance may be made which shall be delivered or mailed to the Clerk of Circuit Court of Kewaunee County or the Town of Franklin or any other designated officer prior to the time of the scheduled court appearance.
 - (b) That if a cash deposit is made, no appearance in Court is necessary unless subsequently summoned.
 - (c) That if a cash deposit is made, and the alleged violator does not appear in Court, the non-appearance will be deemed a plea of no contest, for which a forfeiture not to exceed the amount of deposit is submitted, or, if the court does not accept the plea of no contest, a summons will be issued for the alleged violator to appear in Court to answer the complaint.
 - (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 up to the maximum permitted by law.
 - (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 under (g) above has been read. Such statement shall be sent or brought with the cash deposit

- (1) The form of the citation shall be that of the Wisconsin Uniform Municipal Citation adopted pursuant to Wisconsin Statutes Section 66.0113 as amended from time to time and the current form shall be incorporated into this ordinance by reference.

1.0603 Schedule of Deposits

- A. The following schedule of cash deposits is set forth on Appendix “A” attached hereto and made a part hereof and established for use with citations issued under this ordinance.
- B. All deposit figures herein to be increased by any penalty assessments, fees and actual court costs in effect at time of offense and imposed by the Circuit Court of Kewaunee County.
- C. Deposit shall be paid in cash, money order or certified check to the Clerk of Circuit Court of Kewaunee County or the Town of Franklin Clerk or any other designated officer who shall provide a receipt of therefore.

1.0604 Issuance of Citations

Any law enforcement officer empowered to act in the Town of Franklin, the Town of Franklin Zoning Administrator, the Town constable, or any other designated Town of Franklin official authorized by the Town Board from time to time may issue citations for enforcement of any ordinance authorized under this Code of Ordinances.

1.0605 Procedure

The provisions of Section 66.0113 (3) of the Wisconsin Statutes relating to violator’s options and procedure on default are hereby adopted and incorporated herein by reference.

1.0606 Nonexclusivity

Adoption of this Code of Ordinances in no way precludes the adoption of any other ordinance or providing for the enforcement of any other law or ordinance relating to the same or any other matter. The issuance of a citation under this ordinance in no way precludes the processing under any other law or ordinance relating to the same or any other matter.

1.0607 Severability

If any provision of this ordinance is invalid or unconstitutional, or if the application of this ordinance to any person or circumstance is invalid or unconstitutional, or if the application of this ordinance to any person or circumstances is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the provisions or application of this ordinance which can be given effect without the invalid or unconstitutional provision or application.

APPENDIX A

<u>Ordinance</u>	<u>Offense</u>	<u>Deposit</u>
Town of Franklin Zoning Ordinance Section 10.1200	Failure to obtain zoning/land use permit.	Double fee
Chapter 10: Zoning Ordinance	Violation of any provision of Town of Franklin Zoning Ordinance (other than Section 10.1206 as stated above) and violation of any other town ordinances.	<i>First offense:</i> Not less than \$50.00 nor more than \$1,000.00, plus applicable penalty assessments and court costs. Second and subsequent offenses: not less than \$100.00 nor more than \$1,500.00, plus applicable penalty assessments and court costs.

