

Chapter 1

GENERAL PROVISIONS

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

ARTICLE I Construction and Penalties [Adopted 8-10-2009 by Ord. No. 2009-4]

§ 1-1. Title; citation.

These collected ordinances shall be known and referred to as the "Code of the Village of Lyndon Station, Wisconsin." References to the Code of the Village of Lyndon Station, Wisconsin, shall be cited as follows: "§ 2-1, Code of the Village of Lyndon Station, Wisconsin."

§ 1-2. Principles of construction.

The following rules or meanings shall be applied in the construction and interpretation of ordinances codified in this Code, 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 to 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 of this Code, shall refer to this Code of the Village of Lyndon Station 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 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 shall be construed according to their plain meaning in common usage. However, words or 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 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 sued.
- K. Repeal. When any 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. Shall. The word "shall" is mandatory and not directive.
- M. 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 person or thing.

- N. Tense. The use of any verb in the present tense shall not preclude the interpretation of the verb in the future tense where appropriate.
- O. Wisconsin Statutes. The term "Wisconsin Statutes" and its abbreviation as "Wis. Stats." shall mean, in these ordinances, the Wisconsin Statutes as of the adoption of this Code, as amended or renumbered from time to time.
- P. Wisconsin Administrative Code. The term "Wisconsin Administrative Code" and its abbreviation as "Wis. Adm. Code" shall mean the Wisconsin Administrative Code as of the adoption of this Code, as amended or renumbered from time to time.
- Q. Village. The term "Village" shall mean the Village of Lyndon Station, Juneau County, Wisconsin.

§ 1-3. Conflicting 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.

§ 1-4. When effective.

- A. Code. The Code of the Village of Lyndon Station, Wisconsin, shall take effect as provided by state law.
- B. Subsequent ordinances. All ordinances passed by the Village Board subsequent to the adoption of this Code, except when otherwise specifically provided, shall take effect from and after their publication.

§ 1-5. Violations and penalties.

- A. General penalty. Except where a penalty is provided elsewhere 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. Any person who shall violate any provision of this Code shall, upon conviction thereof, forfeit not less than \$25 nor more than \$1,000, 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 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 within one year shall, upon conviction thereof, forfeit not less than \$50 nor more than \$1,000 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 months.
- B. Execution against defendant's property. Whenever any person fails to pay any forfeiture, costs of prosecution and applicable penalty assessments, fees and surcharges 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, costs, assessments, fees and surcharges.
- C. Continued and multiple 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. Prosecution of two or more offenses committed by the same violator may be joined into one action, and the prosecution of two or more violators for the same offense may be joined into one action.

- D. 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.
- E. Court authority to impose alternative juvenile dispositions and sanctions.
- (1) For a juvenile adjudged to have violated an ordinance, a court is authorized to impose any of the dispositions listed in §§ 938.343 and 938.344, Wis. Stats., in accordance with the provisions of those statutes.
 - (2) For a juvenile adjudged to have violated an ordinance who violates a condition of a dispositional order of the court under § 938.343 or 938.344, Wis. Stats., a court is authorized to impose any of the sanctions listed in § 938.355(6)(d), Wis. Stats, in accordance with the provisions of those statutes.
 - (3) This Subsection E is enacted under the authority of § 938.17(2)(cm), Wis. Stats.
- F. Abatement of violations. In addition to any other penalty provided herein, the Village may seek the removal, prevention and/or abatement of any violation of any provision of this Code. Such remedies may be joined with any action seeking a forfeiture or may be separately commenced and maintained.
- (1) When any such remedy is sought by the Village, the court may order, in addition to any forfeiture authorized herein, the removal, prevention and/or abatement of a violation as follows:
 - (a) By the violator at the violator's sole expense; and/or
 - (b) If the violator fails to remove, prevent and/or abate the violation within the time limits established by the court, then by the Village at the sole expense of the violator.
 - (2) If the City incurs expenses in the removal, prevention and/or abatement of any violation, the Village may collect said expenses by application to the court for one or more of the following:
 - (a) The court may impose upon the violator a new or additional forfeiture in the amount not to exceed the expenses incurred, and in default of payment of such forfeiture the court may imprison the violator in the county jail until such forfeiture is paid, but not exceeding 90 days; and/or
 - (b) The court may issue an execution against property of the violator for such expenses pursuant to Ch. 815, Wis. Stats.; and/or
 - (c) The court may render a money judgment against the violator in favor of the Village for such expenses, and said judgment may then be docketed and collected by the Village in any manner permitted by law.

- G. Restitution. In addition to any other penalty provided herein, the court may order the payment of restitution for violations of this Code in conformity with §§ 943.24 and 943.50, Wis. Stats., and shall use the restitution procedures as provided therein.

§ 1-6. Citation method of enforcement.

- A. Adoption. The Village hereby adopts and authorizes the use of a citation, more particularly described below, for violations of any and all Village of Lyndon Station ordinances, including those violations for which a statutory counterpart exists.
- B. Content. The uniform traffic citation shall be used for all traffic violations. Citations for all other violations shall conform to the requirements of § 66.0113(1)(b), Wis. Stats.
- C. Bond schedule. Except as otherwise provided in this Code, the Village may accept from any person arrested for a violation of this Code a bond, pursuant to § 66.0111, Wis. Stats. The amount of the bond may be set by the Village Board by resolution, and the bond amounts may be different for different violations. The bond schedule shall be on file with the Clerk-Treasurer and the Police Department. The bond for any violation not covered by the bond schedule shall be not less than \$75 nor more than \$250, as determined by the Police Department.
- D. Issuance. Citations authorized under this section may be issued by the following Village personnel:
- (1) Any Village law enforcement officer.
 - (2) The Director of Public Works.
 - (3) The Village Building Inspector.
- E. Procedure. Section 66.0113(3), Wis. Stats., and all future amendments thereto, relating to a violator's options and procedure on default, is hereby adopted and fully incorporated herein by reference.
- F. Nonexclusivity. This section shall not preclude the Village from adopting any other ordinance which provides for the enforcement of any law or ordinance in a different manner or through a different procedure. The issuance or nonissuance of a citation hereunder shall not preclude the Village from proceeding under any other ordinance or law or by any other enforcement method available to the Village to enforce any ordinance, regulation or order.

§ 1-7. Documents incorporated by reference.

Whenever any standard, code, rule, 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-Treasurer shall maintain in his office a copy of any such material as adopted and as amended from time to time. Materials on file at the Village Clerk-Treasurer's office shall be considered public records open to reasonable examination by any person during

the office hours of the Village Clerk-Treasurer subject to such restrictions on examination as the Clerk-Treasurer shall prescribe for the preservation of the material.

ARTICLE II
Adoption of Code
[Adopted 8-10-2009 by Ord. No. 2009-4]

§ 1-8. Adoption of Code.

Pursuant to § 66.0103, Wis. Stats., the ordinances of the Village of Lyndon Station of a general and permanent nature adopted by the Village Board of the Village of Lyndon Station, as revised, codified and consolidated into chapters and sections by General Code, and consisting of Chapters 1 through 395, are hereby approved, adopted, ordained and enacted as the "Code of the Village of Lyndon Station," hereinafter referred to as the "Code."

§ 1-9. 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.

§ 1-10. 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.

§ 1-11. Copy of Code on file.

A copy of the Code has been filed in the office of the Village Clerk-Treasurer 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-Treasurer, and such certified copy shall remain on file in the office of said Village Clerk-Treasurer to be made available to persons desiring to examine the same during all times while said Code is in effect.

§ 1-12. 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 Lyndon Station" 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.

§ 1-13. Publication; filing.

The Village Clerk-Treasurer of the Village of Lyndon Station, 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-Treasurer 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.

§ 1-14. Code to be kept up-to-date.

It shall be the duty of the Village Clerk-Treasurer, or someone authorized and directed by the Village Clerk-Treasurer, to keep up-to-date the certified copy of the Code required to be filed in the Village Clerk-Treasurer'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.

§ 1-15. Sale of Code.

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

§ 1-16. 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 Lyndon Station 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 § 1-5 of the Code.

§ 1-17. 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.

§ 1-18. 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.

§ 1-19. 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 ordinance, except as hereinafter provided.

§ 1-20. Ordinances saved from repeal.

The adoption of this Code and the repeal of ordinances provided for in § 1-19 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 March 23, 2009.
- 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 ordinance.
- P. Any ordinance or portion of an ordinance establishing a specific fee amount for any license, permit or service obtained from the Village.

§ 1-21. New ordinances; changes in previously adopted ordinances.

The adoption of the Code provided in § 1-8 includes the adoption of the following, as set forth in the Code on file in the office of the Clerk-Treasurer pursuant to § 1-11:

- A. New ordinances: Chapter 1, Article I, Construction and Penalties, and Chapter 283, Article II, Public Peace and Order.
- 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.

§ 1-22. When effective.

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