

CODE OF ORDINANCES

Chapter 1

GENERAL PROVISIONS

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Sec. 1-1. Designation and citation of Code.

These collected ordinances shall be known and referred to as the “Code of Ordinances, Village of Spring Valley, Wisconsin.” References to the Code of Ordinances, Village of Spring Valley, Wisconsin, shall also be cited.

(Code 1988, § 1-1-1)

Sec. 1-2. Definitions and rules of construction.

The following definitions and rules of construction shall be applied in the construction and interpretation of ordinances codified in this Code of Ordinances unless such application would be clearly inconsistent with the plain meaning or intent of the ordinances:

General rule. All terms and phrases shall be construed according to their common and usual significance and their plain meaning in common usage unless the contrary is clearly indicated. However, terms 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 Code.

Acts by agents. When an ordinance requires an act 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.

And / or. The term “and” may be read as “or,” and the term “or” may be read as “and” where the sense requires it.

Board, village board. Whenever the terms “board” and “village board” are used without qualification, such terms shall read as if the term “Spring Valley, Wisconsin” followed such terms.

Code, Code of Ordinances and Municipal Code. The terms “Code,” “Code of Ordinances” and “Municipal Code,” when used in any section of this Code, shall refer to this Code of Ordinances, Village of Spring Valley, Wisconsin, unless the context of the section clearly indicates otherwise.

Computation of time. In computing any period of time prescribed or allowed by this Code, 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, Sunday or 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 definition, the term “legal holiday” means any statewide legal holiday specified by state law.

County. The term “county” shall mean the County of Pierce, Wisconsin.

Fine. The term “fine” shall be the equivalent of the term “forfeiture,” and vice versa.

Gender. Use has been made of masculine pronouns in this Code solely for the sake of brevity. Unless specifically stated to the contrary, terms in this Code referring to the masculine gender shall also be construed to apply to females, and vice versa.

Joint authority. All terms 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.

May. The term “may” shall be construed as being permissive.

Month. The term “month” shall mean a calendar month.

Oath. The term “oath” includes an affirmation in all cases where by law an affirmation may be substituted for an oath. If any oath or affirmation is required to be taken, such oath or affirmation shall be taken before and administered before an officer authorized by the laws of the state to administer oaths, at the place where the oath is required to be taken or administered, unless otherwise expressly directed, and, when necessary, duly certified by such officer. If an oath is administered, it shall end with the term “so help me God.” In actions and proceedings in the courts, a person may take an oath or affirmation in communication with the administering officer by telephone or audiovisual means.

Officers. The term “officers” shall refer solely to local offices created by state statute.

Officials. The term “officials” shall mean all village officers and employees.

Owner. The term “owner,” as applied to building or land, shall include any part owner, joint owner, tenant in common, tenant in partnership or joint tenant, of the whole or a part of such building or land.

Person. The term “person” shall mean any natural person, corporation, partnership, association, body politic or any other entity of any kind which is capable of being sued.

Property. The term “property” shall include real, personal and mixed property.

Real property. The term “real property” shall include lands, tenements, hereditaments and all rights and interests to and in such lands, lands, tenements or hereditaments.

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.

Road and roadway. See the definition of *Street* in this section.

Shall. The term “shall” shall be construed as being mandatory.

Sheriff. The term “sheriff” shall be construed as if such term is followed by the term “of Pierce County, Wisconsin.”

Signature. If the signature of any person is required by law, it shall always be the writing of such person or, if the person is unable to write, the person’s mark or the person’s name written by some other person at the person’s request and in the person’s presence.

Singular and plural. Every term in this Code referring to the singular number only shall also be **State law reference** – Similar provisions, Wis. Stats. § 990.01(38).

construed to apply to several persons or things, and every term in this Code referring to a plural number shall also be construed to apply to one person or thing.

State. The term “state” shall mean the State of Wisconsin.

Street. The term “street” shall include any highway, street, avenue, boulevard, road, alley, lane or viaduct within the village which is dedicated or devoted to public use.

Tenant and occupant. The terms “tenant” and “occupant,” when applied to a building or land, shall include any person holding a written or oral lease thereof or who occupies the whole or part of such building or land, either alone or with others.

Tense. The use of any verb in the present tense shall not preclude the interpretation of the verb in the future tense, where appropriate.

Village. The term “village” shall mean the Village of Spring Valley, Pierce County, Wisconsin.

Wisconsin Administrative Code. The term “Wisconsin Administrative Code” and its abbreviation as “Wis. Admin. Code” shall mean the Wisconsin Administrative Code as of the adopted date of this Code, as amended or renumbered from time to time.

Wisconsin Statutes. The term “Wisconsin Statutes” and its abbreviation as “Wis. Stats.” shall mean the Wisconsin Statutes, as amended from time to time.

Written and in writing. The terms “written” and “in writing” shall be construed to include any representation of words, letters or figures, whether by printing or otherwise.

Year. The term “year” shall mean a calendar year unless otherwise expressed.
(Code 1988, § 1-1-2)

Sec. 1-3. Conflict of provisions.

(a) If the provisions of different chapters of this Code 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 such 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.
(Code 1988, § 1-1-3)

Sec. 1-4. Section catchlines.

The catchlines of the several sections of this Code, printed in boldface type, are intended as mere catchwords to indicate the contents of the sections and shall not be deemed or taken to be titles of such sections; nor, unless expressly so provided, shall they be so deemed when any such sections, including the catchlines, are amended or reenacted.

Sec. 1-5. History notes.

The history notes appearing in parentheses after sections of this Code are not intended to have any legal effect, but are merely intended to indicate the source of matter contained in this section.

Sec. 1-6. References to chapters or sections.

All references to chapters or sections are to the chapters or sections of this Code, unless otherwise specified.

Sec. 1-7. Editor's notes and references.

References and editor's notes following certain sections are inserted as an aid and guide to the reader and are not controlling, nor meant to have any legal effect.

Sec. 1-8. Provisions considered as continuation of existing ordinance.

The provisions appearing in this Code, as far as they are the same as the provisions of the Code of the Village of Spring Valley and of ordinances existing at the time of adoption of this Code shall be considered as a continuation thereof, and not new enactments.

Sec. 1-9. Certain ordinances not affected by Code.

Nothing in this Code or the ordinance adopting this Code shall be construed to repeal or otherwise affect the validity of any of the following when not inconsistent with this Code:

- (1) Any offense or act committed or done or any penalty or forfeiture incurred before the effective date of this Code.
- (2) Any ordinance promising or guaranteeing the payment of money for the village, or authorizing the issuance of any bonds or notes of the village, any evidence of the village's indebtedness or any contract, right, agreement, lease, deed or other instrument or obligation assumed by the village.
- (3) Any administrative ordinances of the village not in conflict or inconsistent with the provisions of this Code, including, but not limited to, letting contracts without bids and releasing persons from liability.
- (4) Any right or franchise granted by any ordinance.
- (5) Any ordinance dedicating, naming, establishing, locating, relocating, opening, paving, widening, repairing, vacating, etc., any street, alley or public way within the village.
- (6) Any appropriation ordinance.
- (7) Any ordinance levying or imposing taxes or levying special assessments or taxes.

- (8) Any ordinance prescribing through streets, parking and traffic regulations, speed limits, one-way traffic, limitations on load weights of vehicles, or loading zones.
- (9) Any land use, zoning or rezoning ordinance or amendment to the zoning map.
- (10) Any ordinance establishing and prescribing the street grades of any street within the village.
- (11) Any ordinance providing for local improvements, assessing taxes for such improvements and prescribing utility rates and fees.
- (12) Any ordinance dedicating or accepting any plat or subdivision within the village.
- (13) Any ordinance annexing or excluding territory, or extending the boundaries of the village.
- (14) Any ordinance establishing or classifying positions, or setting salaries of village officers and employees, or any personnel regulations.
- (15) Any temporary or special ordinances.
- (16) Any ordinance calling an election.
- (17) Any ordinance authorizing street maintenance agreements.
- (18) Any ordinance establishing grades, curblines and widths of sidewalks in the public streets and alleys.
- (19) Any ordinance regarding the lighting of streets and alleys.
- (20) Any ordinance naming public grounds and parks.
- (21) Any ordinance regarding the establishment of wards, ward boundaries and election precincts.
- (22) Any Charter ordinance, unless repealed by Charter ordinance.
- (23) Any ordinance releasing persons from liability.
- (24) Any ordinance regarding construction of public works.
- (25) Any ordinance regarding water, sewer, solid waste and electric rates, rules and regulations and sewer and water main construction.
- (26) The village's schedule of fees and charges.

All such ordinances are hereby recognized as continuing in full force and effect to the same extent as if set out at length in this section. All ordinances are on file in the village administrator's office.

Sec. 1-10. Publication of ordinances.

All general ordinances of the village and all regulations imposing any penalty shall be published once in

the official paper of the village, or posted according to law, and shall be immediately recorded, with the affidavit of publication, by the village administrator, in a book kept for such purpose and/or the Code of Ordinances. A printed copy of such ordinance or regulation in any book, pamphlet or newspaper and published, or purported to be published, in such book, pamphlet or newspaper by direction of the village board shall be prima facie proof of due passage, publication and recording thereof.

(Code 1988, § 2-2-16(a))

Sec. 1-11. Effective date of ordinances.

All ordinances passed by the village board subsequent to the adoption of this Code of Ordinances, except otherwise specifically provided, shall take effect and be in force from and after their passage and publication.

(Code 1988, §§ 1-1-5(b), 2-2-16(b))

Sec. 1-12. Failure of officers and employees to perform duties.

The failure of any officer or employee of the village to perform any official duty imposed by this Code shall not subject such officer or employee to the penalty imposed for violations of this Code, unless a penalty is specifically provided for such act or omission.

Sec. 1-13. Separability of provisions.

If any provision of this Code of Ordinances 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 provisions of this Code.

Sec. 1-14. Effective date of Code.

The Code of Ordinances, Village of Spring Valley, Wisconsin, shall take effect as provided by state law.

(Code 1988, § 1-1-5(a))

State law reference – Authority for a Code of Ordinances, Wis. Stats. § 66.035.

Sec. 1-15. Village administrator to maintain copies of documents incorporated by reference; open to public inspection; certified copies.

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 in this Code, and the village administrator shall maintain in his office a copy of any such material, as adopted and amended from time to time. Materials on file at the village administrator's office shall be considered public records which shall be open to reasonable examination by any person during the office hours of the administrator, subject to such restrictions on examination as the administrative copies of ordinances filed with the clerk of the circuit court.

(Code 1988, § 1-1-7)

Sec. 1-16. Amendments or additions.

(a) All ordinances passed subsequent to this Code which amend, repeal or in any affect this Code

may be numbered in accordance with the numbering system of this Code and printed for inclusion in this Code. When subsequent ordinances repeal any chapter, article, division, section or subsection, or any portion thereof, such repealed portions may be excluded from the Code by omission from reprinted pages affected thereby. Subsequent amending ordinances, as numbered and printed or omitted in the case of repeal, shall be prima facie evidence of such subsequent ordinances.

(b) Amendments to any of the provisions of this Code may be made by amending such provisions by specific reference to the section number of this Code in substantially the following language: “That section _____ of the Code of Ordinances, Village of Spring Valley, Wisconsin, is hereby amended to read as follows:....” The new provisions shall then be set out in full as desired.

(c) If a new section not heretofore existing in the Code is to be added, the following language is hereby used: “That the Code of Ordinances, Village of Spring Valley, Wisconsin, is hereby amended by adding a section to be numbered _____, which section reads as follows:....” The new section may then be set out in full as desired.

(d) All sections, divisions, articles, chapters or provisions desired to be repealed must be specifically repealed by section, division, article or chapter number, as the case may be.

Sec. 1-17. Effect of amendments to Code.

Any and all additions and amendments to this Code, when passed in such a form as to indicate the intention of the village board to make the addition or amendment a part of this Code, shall be deemed to be incorporated in this Code so that reference to the Code of Ordinances, Village of Spring Valley, Wisconsin, shall be understood and intended to include such additions and amendments.

Sec. 1-18. Supplementation of Code.

(a) By contract or by village personnel, supplements to this Code shall be prepared and printed whenever authorized or directed by the village board. A supplement to this Code shall include all substantive permanent and general parts of ordinances passed by the village board or adopted by initiative and referendum during the period covered by the supplement and all changes made thereby in the Code, and shall also include all Charter ordinances adopted or amended during such period. The pages of a supplement shall be numbered so that they will fit properly into the Code and will, where necessary, replace pages which have become obsolete or partially obsolete, and the new pages shall be prepared so that when they have been inserted the Code will be current through the date of the adoption of the latest ordinance included in the supplement.

(b) In preparing a supplement to this Code, all portions of the Code which have been replaced shall be excluded from the Code by the omission thereof from reprinted pages.

(c) When preparing a supplement to this Code, the codifier (meaning the person, agency or organization authorized to prepare the supplement) may make formal, nonsubstantive changes in ordinances and parts of ordinances included in the supplement, insofar as it is necessary to do so to embody them into a unified code. For example, the codifier may:

- (1) Organize the ordinance material into appropriate subdivisions;

- (2) Provide appropriate catchlines, headings and titles for sections and other subdivisions of the Code printed in the supplement, and make changes in catchlines, headings and titles.
- (3) Assign appropriate numbers to sections and other subdivisions to be inserted in the Code and, where necessary to accommodate new material, change existing section or other subdivision numbers.
- (4) Change the words “this ordinance,” or words of the same meaning, to “this chapter,” “this article,” “this division,” etc., as the case may be, or to “sections _____ through _____” (inserting section numbers to indicate the sections of the Code which embody the substantive sections of the ordinance incorporated into the Code); and
- (5) Make other nonsubstantive changes necessary to preserve the original meaning of ordinance sections inserted into the Code, but in no case shall the codifier make any change in the meaning or effect of the ordinance material included in the supplement or already embodied in the Code.

Sec. 1-19. Responsibility for acts; aiding and abetting.

Every person concerned in the commission of any act prohibited by this Code, whether such person directly commits the act or prosecutes, counsels, aids or abets in its commission, may be prosecuted, and upon conviction, is punishable as if he had directly committed such act.

Sec. 1-20. Authorization for use of citation.

Pursuant to the authority granted by Wis. Stats. § 66.119, the use of a citation to be issued for a violation of an ordinance other than those for which a statutory counterpart exists is hereby authorized. (Code 1988, § 1-2-1)

Sec. 1-21. Officials authorized to issue citations.

Citations authorized in section 1-20 may be issued by law enforcement officers of the village and the village officials designated in this section with respect to sections of this Code which are directly related to the official’s area of responsibility. The following officials granted authority to issue citations under this section may delegate such authority to other village employees within the designated official’s department with the approval of the village board:

- (1) Village administrator.
 - (2) Fire inspector.
- (Code 1988, § 1-2-2)

Sec. 1-22. Form of citation.

The form of the citation to be issued by village police officers or other designated village officials is incorporated in this section by reference, and shall provide for the following information:

- (1) Name, address, date of birth and physical description of the alleged violator;
- (2) Factual allegations describing the alleged violation;
- (3) Date and place of the offense;
- (4) Section of the ordinance violated;
- (5) A designation of the offense in such a manner as can be readily understood by a person making a reasonable effort to do so;
- (6) Time at which the alleged violator may appear in court;
- (7) A statement which in essence informs the alleged violator that:
 - a. He may make a cash deposit of a specified amount to be mailed to a specified official within a specified time;
 - b. If he makes such a deposit, he need not appear in court, unless he is subsequently summoned;
 - c. If he makes a cash deposit and does not appear in court, he will be deemed to have tendered a plea of no contest and submitted to a forfeiture and penalty assessment imposed by Wis. Stats. § 165.87, and court costs as imposed by Wis. Stats. § 800.10, 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. If he does not make a cash deposit and does not appear in court at the time specified, an action may be commenced against him to collect the forfeiture and the penalty assessment imposed by Wis. Stats. § 165.87.
- (8) A direction that if the alleged violator elects to make a cash deposit, he shall sign an appropriate statement which accompanies the citation to indicate that he read the statement required under subsection (7) of this section, and shall send the signed statement with the cash deposit;
- (9) Such other information as may be deemed necessary.
(Code 1988, § 1-2-3)

Sec. 1-23. Schedule of cash deposits.

The schedule of cash deposits for the various ordinances for which a citation may be issued are established on the deposit schedule adopted by the village board, a copy of which is on file with the village administrator, In addition to the deposit amount listed, the deposit must include a penalty assessment imposed by Wis. Stats. § 165.87, and court costs as imposed by Wis. Stats § 800.10. The chief of police shall be provided with a copy of all bond schedules and amendments thereto.
(Code 1988, § 1-2-4)

Sec. 1-24. Form of deposits, receipts.

Deposits for the various ordinances for which a citation may be issued shall be made in cash, money order, personal check or certified check to the clerk of court of the county. Receipts shall be given for all deposits received.

(Code 1988, § 1-2-5)

Sec. 1-25. Options and procedures upon default.

Wis. Stats. § 66.119(3), relating to violator's options and procedures upon default, is hereby adopted and incorporated in this section by reference.

(Code 1988, § 1-2-6)

Sec. 1-26. Nonexclusivity.

(a) The adoption of this chapter does not preclude the village board from adopting any other ordinance providing for the enforcement of any other law or ordinance relating thereto or other matters.

(b) The issuance of a citation under this chapter shall not preclude the village or any authorized officer from proceeding under any other ordinance, regulation or order.

(Code 1988, § 1-2-7)

Sec. 1-27. General penalty.

(a) *Established.* 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, be subject to the following penalties:

- (1) *First offense.* Any person who shall violate any of the provisions of this Code shall, upon conviction, forfeit not less than \$25.00, nor more than \$1,000.00, 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 of this Code, or part thereof, who shall have been convicted of a violation of the same ordinance within one year shall, upon conviction, forfeit not less than \$50.00, nor more than \$1,000.00, for each such offense, 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 six months.

(b) *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.

(c) *Other remedies.* The village shall have any and all other remedies afforded by state statutes, in addition to the forfeitures and costs of prosecution as set forth in this section.

(Code 1988, § 1-1-6)