

## TITLE 1

### GENERAL PROVISIONS FOR USE OF CODE OF ORDINANCES

Chapter 1	Use and Construction of Code of Ordinances
Chapter 2	Enforcement of Ordinances; Issuance of Citations

## CHAPTER 1

### Use and Construction of Code of Ordinances

1-1-1	Title of Code; Citation
1-1-2	Principles of Construction
1-1-3	Conflict of Provisions
1-1-4	Separability of Provisions
1-1-5	Effective Date of Ordinances
1-1-6	Repeal of General Ordinances
1-1-7	General Penalty
1-1-8	Clerk-Treasurer to Maintain Copies of Documents Incorporated by Reference

#### SEC. 1-1-1 TITLE OF CODE; CITATION.

These collected Ordinances shall be known and referred to as the “Code of Ordinances, City of Green Lake, Wisconsin, shall be cited as follows: “Section 2-1-1, Code of Ordinances, City of Green Lake, Wisconsin.”

#### SEC. 1-1-2 PRINCIPLES OF CONSTRUCTION

The following rules or meanings 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;

- ( a ) **Acts by Agents.** When an ordinance requires an act to be done by 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 ) **City.** “City” shall refer to the City of Green Lake, Green Lake County, Wisconsin.
- ( c ) **Code and Code of Ordinances.** The words “Codes,” “Municipal Code” and “Code of Ordinances” when used in any section of this Code shall refer to this Code of Ordinances of the City of Green Lake unless the context of the section clearly indicates otherwise.
- ( d ) **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 ( 7 ) 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 and any other City holiday designated by the Common Council.

- ( e ) **Fine.** The term “fine” shall be the equivalent of the word “forfeiture,” and vice versa.
- ( f ) **Gender.** Every word in these Ordinances referring to the masculine gender shall also be construed to apply to females, and vice versa; the masculine gender is used solely in the interest and brevity.
- ( g ) **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.
- ( h ) **Joint Authority.** All words purporting to give a joint authority to three ( 3 ) or more City officers or employees shall be construed as giving such authority to a majority of such offices of other persons.
- ( i ) **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.
- ( j ) **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.
- ( k ) **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 referred to a plural number shall also be construed to apply to one ( 1 ) person or thing.
- ( l ) **Tense.** The use of any verb in the present tense shall not preclude the interpretation of the verb in the future tense where appropriate.
- ( m ) **Wisconsin Statutes.** The term “Wisconsin Statutes” and its abbreviation as “Wis. Stats.” shall mean, in these Ordinances, the Wisconsin Statutes for the year 1987-88, as amended.
- ( n ) **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.

State Law Reference: Legal holidays, Sec. 256.17, Wis. Stats.

### **SEC. 1-1-3 CONFLICT OF 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.

#### **SEC. 1-1-4 SEPARABILITY OF PROVISIONS**

If any provision of this Code of Ordinances is for any reason held to be invalid or unconstitutional by reason of decision of any court of competent jurisdiction, such decision shall not affect the validity of any other provisions of these Ordinances.

#### **SEC. 1-1-5 EFFECTIVE DATE OF ORDINANCES**

- ( a ) **Code.** The Code of Ordinances, City of Green Lake, Wisconsin, shall take effect from and after passage and publication as provided by state law.
- ( b ) **Subsequent Ordinances.** All Ordinances passed by the Common Council subsequent to the adoption of the Code of Ordinances, except when otherwise specifically provided, shall take effect from and after their publication.

State Law Reference: Municipal Code, Sec. 66.035, Wis. Stats.

#### **SEC. 1-1-6 REPEAL OF GENERAL ORDINANCES**

- ( a ) **Ordinances Repealed.** All general Ordinances heretofore adopted by the Common Council are hereby repealed. This shall not include any Ordinances or parts of Ordinances or resolutions relating to the following subjects and not conflicting with the provisions may be amended by this Code of Ordinances:
  - ( 1 ) Any offense or act committed or done or any penalty or forfeiture incurred or any contract or right established or accruing before the effective date of this ordinance;
  - ( 2 ) Any ordinance or resolution promising or guaranteeing the payment of money for the City, or any contract or obligations assumed by the City;
  - ( 3 ) The administrative Ordinances or resolutions of the City; not in conflict or inconsistent with the provisions of the Code;
  - ( 4 ) Any appropriation ordinance or resolution;
  - ( 5 ) Any right or franchise granted by the Common Council to any person, firm, or corporation;
  - ( 6 ) Any ordinance or resolution dedicating, naming, establishing, locating, relocating, opening, closing, paving, widening, vacating, etc., any street or public way in the City;
  - ( 7 ) Any ordinance or resolution establishing or prescribing the street grades of any streets in the City;
  - ( 8 ) Any ordinance or resolution providing for local improvements or assessing taxes or special assessments therefor;
  - ( 9 ) Any ordinance or resolution dedicating or accepting any plat or subdivision in the City;
  - ( 10 ) Any ordinance annexing property to the City;
  - ( 11 ) Any ordinance or resolution regulating the erection, alteration, repair, maintenance, demolition , moving or removal of buildings or other structures;
  - ( 12 ) Zoning ordinances; dwelling building code; and other building code ordinances;
  - ( 13 ) Charter ordinances.
  - ( 14 ) The issuance of corporate bonds and notes of the City of whatever name or description.
  - ( 15 ) Water and sewer rates, rules and regulation and sewer and water main construction.

- ( b ) **Effect of Repeals.** The repeal or amendment of any provision of this Code or of any other ordinance or resolution of the Common Council shall not:
- ( 1 ) Affect any rights, privileges, obligations or liabilities which were acquired or incurred or which had accrued under the repealed or amended provision, unless the City has expressly reserved the right to revoke such right, privilege, obligation or liability.
  - ( 2 ) Affect any offense, penalty or forfeiture, or prosecution for any offense, or levy of any penalty or forfeiture which has arisen prior to the repeal or amendment of the relevant provision of any ordinance or resolution. The preceding sentence shall not preclude the application of a lesser penalty or forfeiture if the new amending or repealing provision contains such a lesser penalty or forfeiture. The procedure for prosecution of any violations of Ordinances repealed or amended shall be conducted according to the procedure set forth in the new amending or repealing provision or other procedure currently in effect.

#### **SEC. 1-1-7 GENERAL PENALTY.**

- ( 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 - - Penalty. Any person who shall violate any provision of this Code shall, upon conviction thereof, forfeit up to Five Hundred Dollars ( \$500.00 ), together with the costs of prosecution, in 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 ( 6 ) months.
  - ( 2 ) Second and Subsequent Offenses – Penalty. Any person found guilty of violating any 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 Fifty Dollars ( \$50.00 ) nor more than One Thousand Dollars ( \$1,000.00 ) 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 ( 6 ) 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 City from maintaining any appropriate action to prevent or remove a violation of any provision of this Code.
- ( c ) **Other Remedies.**
- ( 1 ) The City shall have any and all other remedies afforded by the Wisconsin Statutes in addition to the forfeitures and costs of prosecution above.
  - ( 2 ) Execution against defendant's property. Whenever any person fails to a forfeiture and costs of prosecution upon the order of any court for violation of any ordinance of the City, 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.

**SEC. 1-1-8 CLERK-TREASURER TO MAINTAIN COPIES OF 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 City 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 City Clerk-Treasurer's Office shall be considered public records open to reasonable examination by any person during the office hours of the City Clerk-Treasurer subject to such restrictions on examination as the Clerk-Treasurer imposes for the preservation of the material.

## CHAPTER 2

### Enforcement of Ordinances; Issuance of Citations

1-2-1	Method of Enforcement
1-2-2	Information Contained in Citation
1-2-3	Form of Citation
1-2-4	Schedule of Deposits
1-2-5	Issuance of Citation
1-2-6	Procedure
1-2-7	Municipal Court
1-2-8	Non-exclusivity

#### **SEC. 1-2-1 METHOD OF ENFORCEMENT.**

The City of Green Lake hereby elects to use the citation method of enforcement of ordinances. All City law enforcement officers and other City personnel charged with the responsibility of enforcing the provisions of this Code of Ordinances are hereby authorized pursuant to Sec. 66.119 (1) (a), Wis. Stats., to issue citations for violations of this Code of Ordinances, including ordinances for which a statutory counterpart exists.

#### **SEC. 1-2-2 INFORMATION CONTAINED IN CITATION.**

The citation shall contain the following:

- (a) The name and address of the alleged violator.
- (b) Factual allegations describing the alleged violation.
- (c) The time and place of the offense.
- (d) The section of the ordinance violated.
- (e) A designation of the offense in such manner as can readily be understood by a person making a reasonable effort to do so.
- (f) The time at which the alleged violator may appear in court.
- (g) A statement which in essence informs the alleged violator:
  - (1) That a cash deposit based on the schedule established by this Chapter may be made which shall be delivered or mailed to the Clerk of Circuit Court prior to the time of the scheduled court appearance
  - (2) That if a deposit is made, no appearance in court is necessary unless he is subsequently summoned.
  - (3) That if a cash deposit is made and the alleged violator does not appear in court, he will be deemed to have entered a plea of no contest, or, if the court does not accept the plea of no contest, a summons will be issued commanding him to appear in court to answer the complaint.
  - (4) 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.

- ( h ) 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 ( a ) above has been read. Such statement shall be sent or brought with the cash deposit.
- ( i ) Such other information as the City deems necessary.

### **SEC. 1-2-3 FORM OF CITATION.**

The form of the citation to be used by the City of Green Lake is on file in the City Clerk-Treasurer's Office and is adopted by reference as though fully set forth herein.

### **SEC. 1-2-4 SCHEDULE OF DEPOSITS.**

- ( a ) The schedule of cash deposits shall be established for use with citations issued under this Chapter by the Common Council according to the penalty provision of this Code.
- ( b ) Deposits shall be made in cash, money order or certified check to the Clerk of Circuit Court who shall provide a receipt therefore.

### **SEC. 1-2-5 ISSUANCE OF CITATION.**

- ( a ) **Law Enforcement Officer.** Any law enforcement officer may issue citations authorized under this Chapter.  
**City Officials.** The following City officials may issue citations with respect to those specified ordinances which are directly related to their official responsibilities:
  - ( 1 ) Any law enforcement officer;
  - ( 2 ) Fire Chief or Fire Inspector;
  - ( 3 ) School Crossing Guards;
  - ( 4 ) Building Inspector.

### **SEC. 1-2-6 PROCEDURE.**

Section 66.119 ( 3 ), Wis. Stats., relating to violator's options and procedure on default, is hereby adopted and incorporated herein by reference.

### **SEC. 1-2-7 MUNICIPAL COURT.**

#### **a. Municipal Court Created**

*Court Established:* Pursuant to the authority granted by Chapter 755 of the Wisconsin Statutes, there is hereby created and established a joint municipal court to be designated Lakeside Municipal Court shall take effect and be in full force and effect from and after its

passage by the municipalities that are party to the agreement and publication as required by law.

## **b. Municipal Judge**

*Qualifications:* The joint court shall be under the jurisdiction of and presided over by a municipal judge who resides in one of the municipalities that is a party to the agreement forming this joint court.

*Oath and Bond:* The Judge shall, after election or appointment to fill a vacancy, take and file the official oath as prescribed in §757.02(1), Wis. Stats., and at the same time execute and file an official bond in the amount of \$1,000, or an appropriate insurance policy of not less than \$20,000 as prescribed in §66.0609(4), Wis. Stats. The judge shall not act until the oath and bond or appropriate insurance policy have been filed as required by §19.01(4)(c), Wis. Stats., and the requirements of §755.03(2), Wis. Stats., have been complied with.

*Salary:* The salary of the municipal judge shall be fixed by the Village Board of Village of North Fond du Lac which shall be in lieu of fees and costs. No salary shall be paid for any time during the term during which such Judge has not executed the official bond or appropriate insurance policy and/or official oath, as required by §755.03, Wis. Stats., and filed pursuant to §19.01(4)(c), Wis. Stats.

## **c. Elections**

*Term:* The municipal judge shall be elected at large in the spring election for a term of four years commencing on May 1. All candidates for the position of municipal judge shall be nominated by nomination papers as provided in §8.10, Wis. Stats., and selection at a primary election if such is held as provided in §8.11, Wis. Stats. The Fond du Lac County Clerk shall serve as filing officer for the candidates.

*Electors:* Electors in all municipalities that are parties to the agreement shall vote for judge.

## **d. Jurisdiction**

- (1) The municipal court shall have jurisdiction over incidents occurring on or after December 1, 2022 as provided in Article VII, §14 of the Wisconsin Constitution, §755.045 and §755.05, Wis. Stats., and as otherwise provided by State Law. In addition, it shall have exclusive jurisdiction over actions in the municipalities that are parties to the agreement seeking to impose forfeitures for violations of municipal ordinances, resolutions and by-laws.
- (2) The municipal judge may issue civil warrants to enforce matters under the jurisdiction of the municipal court under §755.045(2), §66.0119, Wis. Stats.
- (3) The municipal court has jurisdiction over juvenile offenders when a municipality that is party to the agreement enacts an ordinance under the authority of §938.17(2)(cm), Wis. Stats.
- (4) Court authority to impose alternative juvenile dispositions and sanctions.



- (5) 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.
  - (a) 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., the municipal 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.

**e. Municipal Court**

- (1) *Hours:* Lakeside Municipal Court shall be open as determined by order of the Municipal Judge.
- (2) *Employees:* The Judge shall, in writing, appoint such an Administrator, clerks, deputy clerks and assistants as are authorized by the Village Board of North Fond du Lac.
- (3) *Location:* The Municipal Judge shall keep his/her office at a location provided by the Board of Trustees of the Village of North Fond du Lac and shall hold court at locations agreed to by members of Lakeside Municipal Court. The Municipal Judge may issue, process and perform ministerial functions any place in the State of Wisconsin.

**f. Collection of Forfeitures and Costs**

*Collection of Forfeitures and Costs:* The Municipal Judge may impose punishment and sentences as provided by Wis. Stats. Chapters 800 and 938 and as provided in ordinances of the municipalities that are parties to the agreement. All forfeitures, fees, assessments, surcharges and costs shall be paid to the treasurer of the Village of North Fond du Lac in accordance with State Statute. At such time, the Municipal Court shall report to the treasurer the title, nature of offense and total amount of judgments imposed in actions and proceedings in which such monies are collected.

**g. Contempt of Court**

*Contempt of Court:* The Municipal Judge, after affording an opportunity to the person accused to be heard in defense, may punish for contempt as provided in §800.12, Wis. Stats., and impose a forfeiture and/or a jail sentence in accordance with State Statute.

**h. Stipulations and/or Deposits**

- (1) *Deposits for Ordinance Violations:* The Municipal Judge shall establish and submit to the City Councils or Town or Village Boards of the member municipalities for approval in accordance with §800.037, Wis. Stats., a schedule of deposits for violations of each ordinance, resolutions and by-laws.
- (2) *Deposits for Traffic and Boating Violations:* The deposit schedule established by the Wisconsin Judicial Conference and the procedures set forth in Chapters 23 and 345, Wis. Stats., shall apply to stipulations and deposits for violations of traffic regulations enacted

in accordance with §345.11, Wis. Stats., and boating regulations enacted in accordance with §30.77, Wis. Stats.

- (3) *Stipulations and Deposits in Lieu of Court Appearance*: Persons cited for violations of the member municipalities ordinances, resolutions or by-laws or violations of traffic or boating regulations for which a deposit has been established, shall be permitted to make a stipulation of no contest and a deposit in lieu of court appearance as provided in §800.035, Wis. Stats., §800.045, Wis. Stats., §800.09, Wis. Stats., unless personal appearance is required.

**i. Abolition**

The Municipal Court hereby established shall not be abolished while the §755.01(4), Wis. Stats., agreement is in effect.

**SEC. 1-2-8 NON-EXCLUSIVITY**

- ( a ) **Other Ordinance.** Adoption of this Chapter does not preclude the Common Council from adopting any other ordinance or providing for the enforcement of any other law or ordinance relating to the same or other matter.
- ( b ) **Other Remedies.** The issuance of a citation hereunder shall not preclude the City or any authorized office from proceeding under any other ordinance or law or by any other enforcement method to enforce any ordinance, regulation or order.

UPDATED AS OF 8/11/2023