

CHAPTER 1

GENERAL PROVISIONS

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1.01 PURPOSE AND AUTHORITY. The Town Board of the Town of Sparta, pursuant to §66.0103, Wis. Stats., has authorized the preparation of this Code of Ordinances so as to provide for a more efficient and orderly administration of the government of the Town of Sparta, Monroe County, Wisconsin.

1.02 TITLE OF CODE AND CITATION. These ordinances shall be known as the "Town of Sparta Code of Ordinances," sometimes herein referred to as the "Sparta Town Code," or "this Code." All references thereto shall be cited by section number (example: sec. 10.06, Town of Sparta Code of Ordinances).

1.03 JURISDICTION. Unless otherwise provided in this Code, this Code applies to acts performed within the Town of Sparta, Monroe County, Wisconsin.

1.04 DEFINITIONS AND 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 ordinances:

- 1) **ACTS BY 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 requisition shall be construed to include all such acts when done by an authorized agent.
- 2) **BOARD.** "The Board" or "the Town Board" as used herein shall mean the Town Board of the Town of Sparta, Monroe County, Wisconsin.
- 3) **CHAIRPERSON.** "Chairperson" or "Town Chairperson" or "Town Chair" shall mean the Town Chairperson of the Town of Sparta, Monroe County, Wisconsin.
- 4) **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, 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 in § 995.20, Wis. Stats.
- 5) **COUNTY.** The words "the County" or "this County" shall mean Monroe County, Wisconsin.
- 6) **DELEGATION OF AUTHORITY.** Whenever a provision appears requiring the head of a department or other officer of the Town to do some act or perform some duty, it shall be construed to authorize such department head or officer to designate, delegate and authorize subordinates to the required act or perform the required duty unless the terms of the provision designate otherwise.
- 7) **FEE SCHEDULE.** The term "fee schedule" or "schedule of fees and charges" means the official consolidated list maintained in the Town Clerk's office that lists rates for utility or other public enterprises, fees of any nature, deposit amounts and various charges as determined from time to time by the Town Board.
- 8) **FINE.** The term "fine" shall be the equivalent of the word "forfeiture," or vice versa.

- 9) GENDER. Every word in this Code and in any ordinance importing the masculine gender may extend and be applied to females as well as males.
- 10) 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 this Code.
- 11) OFFICER. The term "officer" means a person holding an office identified in Wis. Stats. §§ 60.30 through 60.37 who is invested with some portions of the functions of the Town to be exercised for the public benefit, including all officers required to take and file an official oath pursuant to Wis. Stats. § 19.01.
- 12) OFFICIAL. The term "official" means a person holding the authority of a specific set of duties authorized by the Town Board.
- 13) ORDINANCE. The term "ordinance" means a legislative act of the governing body of a general and permanent nature.
- 14) PERSON. The word "person" extends and applies to natural persons, firms, corporations, associations, partnerships, joint ventures, institutions or other bodies politic and all entities of any kind capable of being sued unless plainly inapplicable.
- 15) RESOLUTION. The term "resolution" means a legislative act of the governing body of a special or temporary character.
- 16) SINGULAR AND PLURAL. Every word in this Code and in any ordinance 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 provisions may be repugnant thereto.
- 17) SUPERVISORS. Whenever the words "the Supervisors" or "the Town Supervisors" are used they shall mean the elected Town Board Members of the Town of Sparta, Monroe County, Wisconsin.
- 18) TENSE. The use of any verb in the present tense shall not preclude the interpretation of the verb in the future tense where appropriate. The word "shall" or "will" is always mandatory, the word "may" is always permissive.
- 19) TOWN. The words "the Town" or "this Town" shall mean the Town of Sparta, Monroe County, Wisconsin.
- 20) TOWN BOARD. The term "Town Board" or "Board" means the Town Board of the Town of Sparta. In accordance with Wis. Stats. § 60.20(1), the Board shall be known officially as the Town Board of Sparta, Wisconsin.

- 21) TOWN CLERK. The words “Town Clerk” or “the Clerk” shall mean the Town Clerk of the Town of Sparta, Monroe County, Wisconsin.
- 22) TOWN PATROLMAN. The words “Town Patrolman” or “the Patrolman” shall mean the Town Patrolman of the Town of Sparta, Monroe County, Wisconsin whose duties shall be appointed by the Town Board primarily related to maintenance of Town roads.
- 23) TOWN TREASURER. The words “Town Treasurer” or “the Treasurer” shall mean the Town Treasurer of the Town of Sparta, Monroe County, Wisconsin.
- 24) WISCONSIN ADMINISTRATION 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.
- 25) WISCONSIN STATUTES. The term “Wisconsin Statutes” or “Wis. Stats.,” wherever used in this Code, shall mean the current Wisconsin Statutes; the term shall also include the current sessions laws not yet printed in statute form.

1.05 CONFLICT AND SEPARABILITY.

- 1) CONFLICT OF CODE 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. If the provisions of different sections of the same chapter or article 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 provisions.
- 2) SEPARABILITY OF CODE PROVISIONS. If any section, sub- section, sentence, clause or phrase of this 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 or phrase, or portion thereof. The Town Board of the Town of Sparta hereby declares that they would have passed this Code and each 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. If any requirement or limitation attached to an authorization given under this Code is found invalid, it shall be presumed that the authorization would not have been granted without the requirement or limitation and, therefore, said authorization shall also be invalid.

1.06 MAINTENANCE OF CODE AND ACCESS TO RECORDS.

- 1) As each ordinance or resolution affecting this Code becomes effective, the Town Clerk shall cause such ordinances or resolutions to be incorporated into the Code. The Town Clerk shall make no substantive changes to such ordinances and resolutions, but may renumber, rearrange and edit them to bring them into conformance with the Code; such rearranging, renumbering and editing shall not affect the validity of such ordinances and resolutions or the provisions of this Code affected thereby.

- 2) Whenever, in this Code, any standard, code, rule, regulation or other written or printed matter, other than the Wisconsin Statutes or other sections of this Code, are adopted by reference, they shall be deemed incorporated in this Code as if fully set forth herein and the Town Clerk is hereby directed and required to file, deposit and keep in his office a copy of the code, standard, rule, regulation or other written or printed matter as adopted. Materials so filed, deposited and kept shall be public records open for examination with proper care by any person during the Town Clerk's office hours, subject to such orders or regulations which the Clerk may prescribe for their preservation.
- 3) A copy of this Code shall be permanently on file and open to public inspection in the office of the Town Clerk of the Town of Sparta.
- 4) Access to this Code and records and fees charged for the reproduction of any part thereof shall be governed by §19.35, Wis. Stats., as amended, which is incorporated in full herein.

1.07 FEE SCHEDULE, PENALTY, AND VIOLATION PROVISIONS.

- 1) **FEE SCHEDULE.** The Town Clerk shall keep and maintain the official Fee Schedule for the Town of Sparta. Said fee schedule shall describe the monetary costs associated with permits, applications, licenses, and other expenses of the Town corresponding to carrying out the duties and business of the Town of Sparta, notwithstanding other fees which may be collected by the Town for reimbursement of professional expenses under sec. 3.12 of this Code. Said Fee Schedule shall be adopted by resolution of the Town Board and may be revised from time to time by resolution of the Town Board. A copy of the Fee Schedule for the Town of Sparta shall be available for review at the Town Hall.
- 2) **GENERAL PENALTY.** Except as provided in sub. (3) below, whenever so provided 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:
 - a) **First Offense, Penalty.** Any person who shall violate any provision of this Code subject to a penalty, except for parking violations, shall, upon conviction thereof, forfeit not less than \$50.00 nor more than \$500.00, 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 said forfeiture and costs are paid, but not exceeding ninety (90) days.
 - b) **Second Offense, Penalty.** 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 shall, upon conviction thereof, forfeit not less than \$100.00 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, shall be imprisoned in the County Jail until said forfeiture and costs of prosecution are paid, but not to exceed six (6) months.
- 3) **PENALTY FOR MINORS.** In the event proceedings are commenced against children aged sixteen (16) or older for violations of Ch. 7 of this Code, or children fourteen (14) years of age or older for other violations of this Code, except Ch. 7, the provisions of §§938.17, 938.237, 938.37, 938.343 and 938.344, Wis. Stats., shall be applicable.

- 4) CONTINUED VIOLATIONS. Each violation and each day a violation continues or occurs shall constitute a separate offense. Nothing in this Code shall preclude the Town from maintaining any appropriate action to prevent or remove a violation of any provision of this Code.
- 5) EXECUTION AGAINST DEFENDANT'S PROPERTY. Whenever any person fails to pay any forfeiture and costs of prosecution upon the order of the court for violation of any ordinance of the Town, 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.

1.08 REPEAL OF GENERAL ORDINANCES. All ordinances heretofore adopted by the Town Board of the Town of Sparta 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.
- 3) The fixing of salaries of public officials and employees.
- 4) Rights, licenses or franchises or the creation of any contract with the Town.
- 5) The letting of contracts without bids.
- 6) Tax and special assessment levies.
- 7) Release of persons from liability.
- 8) Construction of any public works.
- 9) Budget ordinances, resolutions and actions.

1.09 EFFECT OF REPEALS. The repeal or amendment of any section or provision of this Code or of any other ordinance or resolution of the Town Board shall not:

- 1) By implication be deemed to revive any ordinance not in force or existing at the time at which such repeal or amendment takes effect.
- 2) 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.
- 3) 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 judgment to be pronounced after such ordinance takes effect for any offense committed before that time.
- 4) 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 and shall be, in all respects, subject to the provisions of this Code.

1.10 EFFECTIVE DATE. This Code shall be effective after a public hearing, adoption by the Town Board, and publication as provided by law. All ordinances passed by the Town Board subsequent to the adoption of this Code, except when otherwise specifically provided, shall take effect from and after their publication or legal posting.

1.11 thru 1.99 RESERVED.