

Chapter 1
GENERAL PROVISIONS

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ARTICLE II
Adoption of Code

[HISTORY: Adopted by the Town Board of the Town of Washington as indicated in article histories. Amendments noted where applicable.]

ARTICLE I
Construction and Penalties

[Adopted 6-19-1986 as §§ 1.01 to 1.04, 1.08, 1.09 and 4.28 of the 1986 Code]

§ 1-1. Purpose; authority.

The Town Board of the Town of Washington, 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 Washington, Washington Island, Wisconsin.

§ 1-2. Title of Code.

These collected ordinances shall be known and referred to as the "Code of Ordinances, Town of Washington, Washington Island, Wisconsin."

§ 1-3. Principles of construction; definitions.

The following rules or meanings and definitions shall be applied in the construction and interpretation of the ordinances contained herein 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 be done by a person that 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. Board. "The Board" or "the Town Board" as used herein shall mean the Town Board of the Town of Washington, Washington Island, Wisconsin.

- C. Chairperson. "Chairperson" or "Town Chairperson" shall mean the Town Chairperson of the Town of Washington, Washington Island, Wisconsin.
- D. Code. Any references to "Code" or "code" shall mean the Code of Ordinances of the Town of Washington, Washington Island, Wisconsin.
- E. 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 in § 995.20, Wis. Stats.
- F. Door County. "Door County" shall mean Door County, Wisconsin.
- G. Fine. The term "fine" shall be the equivalent of the word "forfeiture," and vice versa.
- H. Gender. Every word in these ordinances referring to the masculine gender shall also be construed to apply to the feminine gender, and vice versa.
- I. 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.
- J. Highway. "Highway" includes all public ways and thoroughfares and all bridges upon the same located in the Town of Washington.
- K. Law enforcement officers. "Law enforcement officers" referred to in the Code shall mean any sheriff, deputy sheriff, policeman, constable, or state or federal officer with police powers.
- L. Planning Committee. "Planning Committee" or Town of Washington "Planning Committee" shall mean the Planning Committee of the Town of Washington, Washington Island, Wisconsin.
- M. Person. The word "person" shall mean any of the following entities: natural persons, corporations, partnerships, joint ventures, associations, institutions, bodies politic or any other entity of any kind which is capable of being sued.
- N. Repeal. When any ordinance which has 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.
- O. 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.

- P. Supervisors. Whenever the words "the Supervisors" or "the Town Supervisors" are used, they shall mean the Supervisors of the Town of Washington, Washington Island, Wisconsin.
- Q. Tense. The use of any verb in the present tense shall not preclude the interpretation of the verb in the future tense where appropriate.
- R. Town. The words "the Town" or "this Town" shall mean the Town of Washington, Washington Island, Wisconsin.
- S. Town Clerk/Treasurer. The words "Town Clerk/Treasurer" or "Clerk/Treasurer" shall mean the Town Clerk/Treasurer of the Town of Washington, Washington Island, Wisconsin.¹
- T. 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.
- U. Wisconsin Statutes. The term "Wisconsin Statutes" and its abbreviation as "Wis. Stats." shall mean the Wisconsin Statutes as of the adoption of this Code, and as amended in the future, and shall also include session laws of the Legislature, and as amended.²

§ 1-4. Conflict of provisions.

- A. If the provisions of different chapters conflict with each other, the provisions of each 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 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.

§ 1-5. Violations and penalties.³

- 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 \$500, 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.

1. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II). Additionally, former Subsection T, defining "Town Treasurer," which immediately followed this subsection, was deleted at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

2. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

3. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

- (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. 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.
- C. Other remedies. The Town shall have any and all other remedies afforded by the Wisconsin Statutes in addition to the forfeitures and costs of prosecution above.

§ 1-6. Collection of forfeitures.

All forfeitures imposed by any ordinance in the Code of Ordinances may be sued for and recovered, pursuant to this section and Ch. 778, Wis. Stats., in the name of the Town of Washington. All monies collected on judgment shall be paid to the Town Clerk/Treasurer.

§ 1-7. Maintenance of Code; access to records.

- A. A copy of this Code of Ordinances shall be permanently on file and open to public inspection in the office of the Town Clerk/Treasurer of the Town of Washington.
- B. 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 Town Clerk/Treasurer shall maintain in the Clerk/Treasurer's office a copy of any such material as adopted and as amended from time to time.
- C. Access to such 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.

ARTICLE II Adoption of Code

[An ordinance to adopt the Code of the Town of Washington will be proposed before the Town Board. Upon final adoption said ordinance will be included in the Code as Article II of this chapter.]