

Chapter 1

General Provisions

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

Article I

Construction and Penalties

[Adopted by Ord. No. 244, 1955; amended in its entirety 9-6-2006 by Ord. No. 302 (Secs. 1-2, 1-3, 1-4, 1-11, 1-12, 1-15 and 1-16, of the 2008 Code)]

§ 1-1 Definitions and rules of construction.

The following words, terms and phrases, when used in this Code, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning; provided these rules of construction shall not be applied to any provision that contains any express language excluding such construction or when the subject matter or context of such provision may be repugnant thereto:

ACTS OF AGENTS

When a provision requires an act to be done that may by law as well be done by an agent as by the principal, such requirement shall be construed to include all such acts when done by an authorized agent.

AND, OR

The term "and" may be read as the term "or" and the term "or" may be read as the term "and," where the sense requires it.

CHARTER ORDINANCES

The Charter Ordinances of the Village of Campbellsport, Wisconsin, printed as Chapter **A550** of this Code.

CODE

Whenever the term "Code" is used without further qualification, it shall mean the "Municipal Code of the Village of Campbellsport, Wisconsin," as designated in Article **II** of this chapter.

COMPUTATION OF TIME

The time within which an act is to be done or proceeding had or taken shall be computed by excluding the first day and including the last; and when any such time is expressed in hours the whole of Sunday and of any legal holiday, from 12:00 midnight to 12:00 midnight, shall be excluded. If the last day within which an act is to be done, or proceeding had or taken, falls on a Sunday or legal holiday, the act may be done or the proceeding had or taken on the next secular day. When the last day within which a proceeding is to be had or taken or an act done, which consists of any payment to or the service upon or the filing with any officer, agent, agency, department or division of the state or of any county, city, Village, town, school district or other subdivision of the state, of any money, return, statement, report, notice or other document, falls on a Saturday and the duly established official office hours of such officer, agent, agency, department or division to which such payment is to be made or upon which such service is to be made or with which such return, statement, report, notice or other document is required to be filed, do not include any office hours

thereof on such Saturday, said proceeding may be had or taken or such act may be done on the next succeeding day that is not a Sunday or a legal holiday. Regardless of whether the time limited in any statute for the taking of any proceeding or the doing of an act is measured from an event or from the date or day on which such event occurs, the day on which such event took place shall be excluded in the computation of such time.

COUNTY

Fond du Lac County, Wisconsin.

DELEGATION OF AUTHORITY

Whenever a provision appears requiring the head of a department or some other Village officer or employee to do some act or perform some duty, it shall be construed to authorize the head of the department or other officer or employee to designate, delegate and authorize subordinates to perform the required act or perform the duty unless the terms of the provision or section specify otherwise.

GENDER

Every term in this Code and in any ordinance imparting the masculine gender may extend and be applied to females as well as males.

JOINT AUTHORITY

Terms purporting to give authority to three or more officers or other persons shall be construed as giving such authority to a majority of such officers or other persons, unless it is otherwise declared.

MAY

The term shall be construed as being permissive and discretionary.

MONTH

A calendar month.

OATH

Includes 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 by some officer authorized by the laws of this state to administer oaths, at the place where the same 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 words "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 AND EMPLOYEES, GENERALLY

Whenever any officer or employee is referred to by title only, such reference shall be construed as if followed by the words "of the Village of Campbellsport, Wisconsin."

OWNER

Applied to a building or land, shall include any part owner, joint owner, tenant in common, tenant in partnership, joint tenant or tenant by the entirety, of the whole or of a part of such building or land.

PERSON

Extends and applies to natural persons, firms, corporations, associations, partnerships or other bodies politic and to all entities capable of being sued, unless plainly inapplicable.

PERSONAL PROPERTY

Includes every species of property, except real property.

PRECEDING, FOLLOWING

Next before and next after, respectively.

PROPERTY

Includes real and personal property.

REAL PROPERTY

Includes lands, tenements and hereditaments.

SHALL

The term shall be construed as being mandatory.

SINGULAR AND PLURAL

Every word imparting the singular number only may extend and be applied to several persons or things as well as to one person or thing.

STATE

The State of Wisconsin.

TENSE

Terms used in the past or present tense include the future as well as the past and present.

VILLAGE

The Village of Campbellsport, Wisconsin.

VILLAGE BOARD

The Village Board of Campbellsport, Wisconsin, being the governing body of the Village.

WIS. STATS., STATUTE or STATE STATUTE

Wisconsin Statutes, as amended. Any statute adopted by reference includes amendments to such statute.

YEAR

A calendar year.

§ 1-2 Catchlines of sections.

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

§ 1-3 References to chapters or sections.

- A. Generally. All references to chapters or sections are to the chapters and sections of this Code unless otherwise specified.
- B. Inclusion of penalty. Reference to any section of this Code shall be understood to refer to and include the penalty section relating thereto, unless otherwise expressly provided.

§ 1-4 General penalty.

- A. Generally. Except as otherwise provided, any person who shall violate any of the provisions of this Code or any rule or regulation adopted or issued in pursuance thereof, or any provision of any code adopted by reference in 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 \$30 nor more than \$3,000, 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 has previously been convicted of a violation of the same ordinance within one year shall, upon conviction thereof, forfeit not less than \$100 nor more than \$4,000 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 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. Execution against defendant's property. Whenever any person fails to pay any forfeiture and costs of prosecution upon the order of any 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 such forfeiture and costs.
- D. Citation method of enforcement.
- (1) Statutory authorization. Pursuant to Wis. Stats. § 66.0113, the Village elects to use the citation method of enforcement of ordinances, including those for which a statutory counterpart exists.
 - (2) Contents. The citation shall contain the following:
 - (a) Name and address of the alleged violator.
 - (b) Factual allegations describing the alleged violation.
 - (c) Time and place of the offense.
 - (d) Number and section of the ordinance violated.
 - (e) A designation of the offense in such a manner as can readily be understood by a person making a reasonable effort to do so.
 - (f) Time and date in which the violator may appear in court.
 - (g) A statement that, in essence, informs the violator:
 - [1] That a cash deposit based on an established schedule set from time to time by the Village Board, on file in the Clerk's office, may be delivered or mailed to the Clerk of municipal 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] If the alleged violator makes a cash deposit and fails to appear in court, the citation may serve as the initial pleading and the violator shall be considered to have tendered a plea of no contest and

submitted to a forfeiture, the penalty assessment imposed by Wis. Stats. § 165.87, the jail assessment imposed by Wis. Stats. § 302.46(1), and any applicable domestic abuse assessment imposed by Wis. Stats. § 973.055(1), not exceeding the amount of the deposit. The court may either accept the plea of no contest and enter judgment accordingly or reject the plea. If the court finds the violation meets the conditions in Wis. Stats. § 800.093(1), the court may summon the alleged violator into court to determine if restitution shall be ordered under Wis. Stats. § 800.093. If the court accepts the plea of no contest, the defendant may move within 10 days after the date set for the appearance to withdraw the plea of no contest, open the judgment and enter a plea of not guilty if the defendant shows to the satisfaction of the court that the failure to appear was due to mistake, inadvertence, surprise or excusable neglect. If the plea of no contest is accepted and not subsequently changed to a plea of not guilty, no costs or fees may be taxed against the violator, but a penalty assessment, a jail assessment and, if applicable, a domestic abuse assessment shall be assessed. If the court rejects the plea of no contest, an action for collection of the forfeiture, penalty assessment, jail assessment and any applicable domestic abuse assessment may be commenced. The Village may commence action under Wis. Stats. § 66.12(1). The citation may be used as the complaint in the action for the collection of the forfeiture, penalty assessment, jail assessment and any applicable domestic abuse assessment.

- [4] If the alleged violator does not make a cash deposit and fails to appear in court at the time specified in the citation, the court may issue a summons or warrant for the defendant's arrest or consider the nonappearance to be a plea of no contest and enter judgment accordingly if service was completed as provided under Subsection **D(2)(g)[5]** of this section, or the Village may commence an action for collection of the forfeiture, penalty assessment and jail assessment and any applicable domestic abuse assessment. The Village may commence action under Wis. Stats. § 66.12(1). The citation may be used as the complaint in the action for the collection of the forfeiture, penalty assessment and jail assessment and any applicable domestic abuse assessment. If the court considers the nonappearance to be a plea of no contest and enters judgment accordingly, the court shall promptly mail a copy or notice of the judgment to the defendant. The judgment shall allow the defendant not less than 20 days from the date of the judgment to pay any forfeiture, penalty assessment and jail assessment and any applicable domestic abuse assessment imposed. If the defendant moves to open the judgment within six months after the court appearance date fixed in the citation, and shows to the satisfaction of the court that the failure to appear was due to mistake, inadvertence, surprise or excusable neglect, the court shall reopen the judgment, accept a not guilty plea and set a trial date.
- [5] A direction that if the alleged violator elects to make a cash deposit, the statement that accompanies the citation shall be signed to indicate that the required statement has been read. Such statement shall be sent or brought with the cash deposit.
- [6] Deposits shall be made in cash, money order or certified check to the Clerk of municipal court, who shall provide a receipt therefor.
- (3) Issuance of citations. Any Village law enforcement officer is authorized to issue citations for violations of those ordinances they are empowered to enforce.
- (4) Procedure. Wis. Stats. § 66.0113(3), relating to a violator's options and procedures on default, is adopted and incorporated by reference in this section.
- (5) Nonexclusivity.
 - (a) Other ordinance. Adoption of this subsection does not preclude the Village Board 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 under this section shall not preclude the Village Board or any authorized officer from proceeding under any other ordinance or law or by any other enforcement method to enforce any ordinance, regulation or order.

E. Forfeiture bonds for municipal citations. The Police Chief is authorized to establish bond amounts for violations of this Code, for which municipal citations are written. The forfeitures shall be not less than \$30 nor more than \$3,000, plus costs and assessments. The establishment of these bond amounts shall be done administratively by the Chief of Police and shall not require any further action by the Village Board.

F. Juveniles.

(1) Definitions. The following words, terms and phrases, when used in this subsection, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

JUVENILE

A person who is 12 years of age or older, but less than 18 years of age.

(2) Penalty. Any juvenile who violates any provision of this Code or any rule or regulation adopted or issued pursuant hereto or any provision of any code adopted herein by reference, upon conviction of such violation, shall be subject to imposition of any of the dispositions set forth in Wis. Stats. §§ 938.343 and 938.344, in accordance with the provisions of those sections. Any juvenile who violates a condition of a dispositional order under Wis. Stats. §§ 938.343 or 938.344, upon adjudication of such violation, shall be subject to imposition of any of the sanctions set forth in Wis. Stats. § 938.355(6)(d), in accordance with the provisions of that section.

§ 1-5 Applicability of penalties.

The penalties provided by § 1-4 shall apply to any section of this Code or any code adopted in this Code by reference to which the penalty relates, whether or not such penalty is reenacted in the amendatory ordinances, unless otherwise provided in the amendment.

§ 1-6 Failure of officers 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 violation of this Code, unless a penalty is specifically provided for such act or omission.

§ 1-7 Responsibility for acts; aiding and abetting.

Every person concerned in the commission of any act prohibited by this Code, whether he 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.

**Article II
Adoption of Code**

[An ordinance adopting the Code of the Village of Campbellsport and making certain substantive changes to existing ordinances of the Village is presently proposed before the Village Board. Upon final adoption, it will be included here as Article II of this chapter.]

Effective Date. This Ordinance shall take effect immediately upon its adoption, approval, and publication. Adopted, recorded and approved this 6 day of February 2019.

David Krebs

David Krebs Village President

ATTEST:

Becky Tellier

Becky Tellier, Village Clerk

Campbellsport News Publication Date

2/28/2019