**CODE OF GENERAL ORDINANCES**

**OF THE**

**TOWN OF DOTY**

**OCONTO COUNTY, WISCONSIN**

**CHAPTER 1: GENERAL PROVISIONS**

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# GENERAL PROVISIONS

## Construction and Effect of Ordinances

## Authority

This Code is adopted under the authority granted by Wis. Stats. §66.0103.

## Title

This Code shall be known, cited, and referenced to as the *Code of General Ordinances of the Town of Doty, Oconto County, Wisconsin*.

## Amendments

Any additions or amendments to this Code, when passed in such form as to indicate the intention of the town board to make them part of this Code, are incorporated in this Code so that a reference to this Code includes such additions and amendments.

## DEFINITIONS AND rules of construction

In the construction of this Code, the following rules shall be observed unless such construction would be inconsistent with the manifest intent of the ordinance:

### Code

The term “Code” when used in any section of this Code shall refer to this “*Code of General Ordinances of the Town of Doty, Oconto County, Wisconsin*” unless the context clearly indicates otherwise.

### Town

The term “town” means and refers to the Town of Doty, Oconto County, Wisconsin.

### Town Board

The term “town board” means and refers to the board of supervisors of the Town of Doty, Oconto County, Wisconsin.

### Wisconsin Statutes, Wis. Stats.

The term and references to the “Wisconsin Statutes” or “Wis. Stats.” wherever used in this Code shall mean the Wisconsin Statutes current edition or supplement in effect and as amended.

### Gender, Singular, and Plural

Every word in this Code and in any ordinance importing the masculine gender may extend and be applied to females as well as males, and every word 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 provision may be repugnant thereto.

### Person

The term “person” extends and applies to natural persons, firms, corporations, associations, partnerships or other bodies politic and all entities of any kind capable of being sued unless plainly inapplicable.

### 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 requirement shall be construed to include all such acts when done by an authorized agent.

### Numbering of Sections

Each section number of this Code shall consist of two component parts separated by a period, the figure before the period referring to the chapter number and the figure after the period referring to the position of the section within the chapter.

### Number Additions

The decimal system shall be used for all additions or amendments to this Code. When a chapter or section is to be added the new chapter or section shall be given a decimal character, when practical using the following outline:

Chapter 1

 1.0100

 1.0101

 A.

 1.

 a.

 (1)

 (a)

## Conflict and Separability

### Conflict of 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.

### Separability of Code Provisions

If any section, subsection 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, 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.

## Effect on GENERAL ORDINANCES

Any existing ordinance heretofore adopted by the town board which is not made part of this Code shall be unaffected by this Code. Where there is a conflict between this Code and such existing ordinance, the more restrictive provisions shall apply.

## 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:

#### By implication be deemed to revive any ordinance not in force or existing at the time at which such repeal or amendment takes effect.

#### 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.

#### 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 judgement to be pronounced after such ordinance takes effect for any offense committed before that time.

#### 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.

## Copies on file

Copies of this Code shall be maintained and available for inspection in the office of the town clerk-treasurer.

## keeping code current; REVISER’S amendments

As each ordinance or resolution affecting this Code becomes effective, the town clerk-treasurer shall incorporate them into this Code. The town clerk-treasurer shall make no substantive changes to such ordinances and resolutions but may renumber, rearrange and edit them without first submitting them to the town board; and such rearranging, renumbering and editing shall not affect the validity of such ordinances and resolutions or the provisions of this Code affected thereby.

## FEE SCHEDULE

The Town of Doty Fee Schedule for permits, licenses and other town services is hereby adopted by reference and is on file in the office of the town clerk-treasurer. The town board may from time to time by resolution amend, modify or revise the town fee schedule.

## TOWN Citation ORDINANCE

### Title and Purpose

The title of this section of the Code is the “Town Citation Ordinance.” The purpose of this section is to authorize the town board, or its designees, to issue citations for violations of town ordinances, including ordinances with statutory counterparts.

### Authority

The town board has the specific authority under Wis. Stats. § 66.0113 to adopt this section of the Code.

### Coverage

#### The form for citations to be issued in the town by the town board, or its designees, for violations of ordinances, including ordinances for which a statutory counterpart exists, shall be as provided in this subsection and shall include all of the following:

##### The name and address of the alleged violator.

##### The factual allegations describing the alleged violation.

##### The time and place of the alleged violation.

##### The section number of the ordinance violated.

##### A designation of the offense in a manner that can be readily understood by a person making a reasonable effort to do so.

##### The time at which the alleged violator may appear in court and a statement describing whether the appearance is mandatory.

##### A statement that in essence informs the alleged violator of all of the following:

###### That the alleged violator may make a cash deposit of a specified amount to be mailed to a specified official within a specified time.

###### That if the alleged violator makes such a deposit, he or she need not appear in court unless appearance is mandated by the court or he or she is subsequently summoned.

###### That, if the alleged violator makes a cash deposit and does not appear in court, he or she either will be deemed to have tendered a plea of no contest and submitted to a forfeiture, plus costs, fees, and surcharges imposed under Wis. Stats. ch. 814, 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.

###### That, if the alleged violator does not make a cash deposit and does not appear in court at the time specified, the court may issue a summons or a warrant for the defendant’s arrest or consider the nonappearance to be a plea of no contest and enter judgment under Wis. Stats. § 66.0133(3)(d), or the town may commence an action against the alleged violator to collect the forfeiture, plus costs, fees, and surcharges imposed under Wis. Stats. ch. 814.

###### That, if the court finds that the violation involves an ordinance that prohibits conduct that is the same as or similar to conduct prohibited by state statute punishable by fine or imprisonment or both, and that the violation resulted in damage to the property of or physical injury to a person other than the alleged violator, the court may summon the alleged violator into court to determine if restitution shall be ordered under Wis. Stats. § 800.093.

##### A direction that if the alleged violator elects to make a cash deposit, the alleged violator shall sign an appropriate statement which accompanies the citation to indicate that he or she read the statement required under Section 1.1203(A)(7) and shall send the signed statement with the cash deposit.

##### Such other information as the town board deems necessary.

#### The town board adopts the following schedule of cash deposits that are required for the various ordinance violations, which includes for each listed violation the costs, fees, and surcharges imposed under Wis. Stats. ch. 814: Municipal Court Bond Schedule.

#### The town board names the clerk of the town municipal court as the official to whom deposits are to be made. Receipt shall be given for cash deposits.

#### If the action for a violation of a municipal ordinance is to be in municipal court, the citation used shall comply with Wis. Stats. § 66.0113(5). The service of the citations in municipal court shall conform with the Wisconsin Statutes. The citation for any violation to be heard in municipal court shall contain substantially all information set forth in Section 1.1203(A) and in accordance with Wisconsin Statutes.

### Issuance and Service of Citation

#### Any law enforcement officer may issue citations authorized under this section.

#### Citations may also be issued by the town board. The town board may designate by ordinance or resolution other town officials who may issue citations with respect to ordinances which are directly related to the official responsibilities of the officials. Officials granted the authority to issue citations may delegate, with the approval of the town board, the authority to employees. Authority delegated to an official or employee shall be revoked in the same manner by which it is conferred.

#### Citations, in addition, may specifically be issued by specific town or county officials as designated by the town board. These officials may also designate other persons to issue citations for the town and these officials may revoke this authority anytime.

#### The town board has designated the town chairperson or any person approved by the town board to serve any citations for the town upon issuance. Any person specifically authorized by the town board to issue citations by the town board may also serve such citations.

### Relationship to Other Laws

The adoption and authorization for use of a citation under this section does not preclude the town board from adopting any other ordinance or providing for the enforcement of any other law or ordinance relating to the same or any other matter. Issuing a citation under this section does not preclude proceeding under any other ordinance or law relating to the same or any other matter. Proceeding under any other ordinance or law relating to the same or any other matter does not preclude the issuance of a citation under this section.

## Reserved

## reserved

## reserved

## non-exclusivity

Adoption of this Code in no way precludes the adoption of any other ordinance or providing for the enforcement of any other law or ordinance relating to the same or any other matter. The issuance of a citation under this Code in no way precludes the processing under any other law or ordinance relating to the same or any other matter.

## effective date

This Code shall take effect from and after passage and publication as provided in Wis. Stats. §§ 60.80 and 66.0103. All references thereto shall be cited by chapter and section number (Example: Chapter 1, Section 1.0900, of the Code of General Ordinances of the Town of Doty, Oconto County, Wisconsin).