

# **TOWN OF COTTAGE GROVE - CODE OF ORDINANCES**

## **CHAPTER 25 - CONSTRUCTION AND EFFECT OF ORDINANCES**

### **25.01 RULES FOR ADOPTION**

#### **(1) GENERAL PROCEDURES**

- (a) Proposed Town ordinances may originate from any Town committee, a member of the Town Board, the Town Attorney or other Town official.
- (b) At the discretion of the Town Board, the draft text of a proposed ordinance may be reviewed by an appropriate committee, the Town Attorney or other Town official, prior to adoption of said ordinance.
- (c) Internal references to chapters and sections of the code of ordinances of the Town may be made using the acronym "TCG", with the same force and effect as if the full "code of ordinances of the town" was used.

#### **(2) REQUIREMENTS FOR REVIEW**

- (a) Prior to adopting a proposed ordinance, it should be reviewed by the Town Board, Town Attorney or other appropriate committee or official to ensure consistency with this Code, and to determine if there is a conflict between the text of the ordinance and any existing statute.
- (b) If a public hearing on the proposed ordinance is required by law, it shall be noticed as required by law. If the Town Board chooses to hold a public hearing prior to adoption of an ordinance, but a public hearing is not required by law, notice of the public hearing shall be made in the same manner as a Town Board meeting.
- (c) Prior to any required public hearing, copies of the final draft version of the proposed ordinance shall be available for public review.
- (d) Every proposed ordinance shall be presented in writing to the Town Board at a regularly scheduled board meeting or at a properly noticed special Town Board meeting.
- (e) The Town Board may make recommendations for revision, or may schedule the draft for further review, or consider final adoption.

#### **(3) ORDINANCE ENACTMENT**

- (a) Following presentation to the Town Board and a public hearing where required, the Town Board shall consider the final draft of the proposed ordinance and vote on the adoption of same.
- (b) A majority vote of the Town Board members in attendance, shall determine if the draft text is adopted or rejected.

#### **(4) PUBLICATION OR POSTING OF ORDINANCE CODE SECTIONS**

- (a) The Town Clerk shall publish a Notice of Ordinance Adoption, as a class 1 notice, under Ch. 985, Wis. Stats., within 30 days after passage or adoption of a new, or revised ordinance as follows:

- 1. For any ordinance required by state statute to be published;
  - 2. For any ordinance imposing or revising forfeitures or penalties;
- (b) All other ordinances or resolutions enacted by the Town Board may be posted in

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compliance with this chapter, s. TCG § 22.08, and in compliance with state statute.

(c) An ordinance, resolution, motion or other action required to be published or posted under this section, shall take effect the day after its publication or posting, or at a later date if expressly provided in the ordinance, resolution, motion, or action.

(d) If an ordinance, resolution, motion, or other action is posted under this section, the Town Clerk shall sign an affidavit attesting that the item was posted as required by this section, and stating the date, and places of posting.

### **25.02 CONFLICT AND SEPARABILITY**

(1) The adoption of an ordinance, following the procedures described in s. TCG § 25.01, shall be sufficient to supersede any ordinance, or other administrative policy dealing with the same subject, that exists on the effective date of the subsequent ordinance. The provisions of the most current ordinance shall take precedence, with the exception of when there is a continuing enforcement action regarding violations of the superseded ordinance. In those cases, the superseded ordinance shall remain in full force until the action has been terminated, at which time the provisions of the current ordinance shall take effect.

(2) The provisions of the code of ordinances of the Town are deemed to be separable to the extent that, if and when, a court or government agency of competent jurisdiction adjudges any provision of this code to be in conflict with any law, rule, or regulation issued thereunder, such decision shall not affect the validity of the remaining portion of this code, but such remaining portions shall continue in full force and effect.

(3) Any separable portion of this code excluded pursuant to a court order, or other administrative ruling, shall be reconsidered by the Town Board following the provisions of s. TCG § 25.01.

(4) All references to words, terms, and phrases used throughout the code of ordinances shall be consistent with any definition specified in the chapter or section referenced, with the exception of when a specified definition conflicts with a definition found in the state statutes. In those cases, the statutory definition shall take precedent.

### **(5) VARIANCE PROVISION**

(a) Unless otherwise specified in the code of ordinances of the Town, any person shall be able to apply for a variance from any section of the code of ordinances that apply directly to them, or their activities and operations. There is NO fee associated with a variance request.

(b) A request for a variance from any ordinance provision shall be made to the town clerk; in the same manner as a request for a change of land use, specified in s. TCG § 15.17.

(c) The town board shall hear, and act on, any variance request at the next regularly scheduled Town Board meeting following the notification of adjoining and adjacent landowners.

### **25.03 DOCUMENTS INCORPORATED BY REFERENCE**

(1) The code of ordinances of the Town of Cottage Grove, may incorporate state statutes and administrative rules, along with standards established by technical societies and organizations of recognized national standing, by reference without reproduction of the text of the documents in full, provided the references are readily available in published form.

(2) Amendments to the referenced documents shall be incorporated into the code of

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ordinances, upon the effective date of the revision of the subject documents.

### 25.04 PENALTY PROVISIONS

#### (1) FORFEITURES AND BAIL DEPOSITS

Whenever so provided in this code, any person who shall violate any provision of this code shall, upon conviction of such violation, be subject to a penalty as described below:

(a) All ordinances adopted from state statutes shall carry the assigned bail schedule and forfeiture range as stated in the following state of Wisconsin schedules, as set down by the Wisconsin judicial conference:

1. Revised Uniform State Traffic Deposit Schedule
2. Alcoholic Beverages, Harassment and Safety Violations
3. Uniform Misdemeanor Bail Schedule
4. Trespass to Land Deposit Schedule
5. Conservation, Boating, Snowmobile and ATV Violations
6. As set down in § 939.61, Wis. Stats.

(b) All other ordinances adopted by the Town shall carry penalties as described below: (Minimum and Maximum Penalties for each offense are indicated in parentheses.)

| FORFEITURE<br>CLASS |                                                                                                                      | FORFEITURE/BAIL<br>TOTAL       |
|---------------------|----------------------------------------------------------------------------------------------------------------------|--------------------------------|
| A                   | PARKING IN PROHIBITED AREAS OR IMPROPER PARKING                                                                      | \$40.00                        |
|                     | PARKING IN SPACES RESERVED FOR VEHICLES<br>DISPLAYING SPECIAL REGISTRATION PLATES<br>OR SPECIAL IDENTIFICATION CARDS | \$150.00                       |
| B                   | FIRST VIOLATION                                                                                                      | \$25.00                        |
|                     | SUBSEQUENT VIOLATIONS –WITHIN 12 MONTHS (\$25-\$100)                                                                 | \$100.00                       |
| C                   | FIRST VIOLATION (\$25-\$75)                                                                                          | \$75.00                        |
|                     | SUBSEQUENT VIOLATIONS -WITHIN 12 MONTHS (\$75-\$500)                                                                 | \$500.00                       |
| D                   | FIRST VIOLATION (\$50-\$500)                                                                                         | \$500.00                       |
|                     | SUBSEQUENT VIOLATIONS -WITHIN 12 MONTHS (\$500-\$1500)                                                               | \$1,500.00                     |
| E                   | A CONVICTION OF AN ACT OR OMISSION PROHIBITED BY<br>THIS CODE, FOR WHICH NO PENALTY IS EXPRESSLY<br>SPECIFIED        | (NOT TO<br>EXCEED)<br>\$200.00 |

(c) The schedule of deposits for use with municipal citations issued under this section shall be adopted and periodically reviewed by the Town Board. This schedule shall be maintained on file in the office of the Town Clerk and the Dane County Sheriff's Department. All deposits shall be in US currency, money order, or check, payable to: Municipal Court, Town of Cottage Grove. An

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itemized receipt shall be provided for all monies received.

### **(2) CONTINUING VIOLATIONS**

(a) Each violation, and each day a violation occurs, or continues, shall constitute a separate offense.

(b) The Town Board may take whatever corrective action they deem to be appropriate, to resolve any continuing violations, of any provision, of any Town ordinance that effects the health and safety of any person, provided the person responsible for the violations has been given legal notice that such action will be taken, and has first been given the opportunity to take prompt corrective action.

(c) The municipal court, pursuant to the limits established in Ch. 800, Wis. Stats. may by court order, direct that corrective action be taken, and restitution made, or that a forfeiture be imposed for failure to make said correction and restitution.

### **(3) ENFORCEMENT METHOD**

(a) Violations of any provision of a Town ordinance shall be enforced by the issuance of a municipal citation, which shall contain the information required by § 800.02, Wis. Stats. or by the issuance of a Wisconsin uniform citation, when the violation is of a state traffic law.

(b) Any law enforcement officer may issue citations authorized under this section. Additionally, the following Town officials may issue citations with respect to the ordinance which are related to their official responsibilities:

1. Fire Chief
2. Building Inspector
3. Weed Commissioner
4. Highway Superintendent

(c) All costs incurred by the Town, as a result of an enforcement action directed taken to resolve a continuing violation, other than those taken as a result of a court order, shall be charged to the property involved, and shall be entered on the official tax roll, as a special assessment against said property.

(d) Costs incurred by the Town, as a result of a court order, shall be reimbursed to the Town as specified in said order, up to the statutory limits of said court.

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