

**TOWN OF WEST BEND
COUNTY OF WASHINGTON, WISCONSIN
ORDINANCE 2024-02**

AN ORDINANCE ADOPTING A REVISION AND CODIFICATION OF THE ORDINANCES OF THE TOWN OF WEST BEND, WISCONSIN

The Town Board of the Town of West Bend does hereby ordain as follows:

§ 1-7. Code adopted; existing ordinances continued.

Pursuant to § 66.0103, Wis. Stats., the ordinances of the Town of West Bend of a general and permanent nature adopted by the Town Board of the Town of West Bend, as revised and codified and consisting of Chapters 1 through 325, together with an Appendix, are hereby approved, adopted, ordained and enacted as the Code of the Town of West Bend, hereinafter referred to as the "Code." The provisions of the Code, insofar as they are substantively the same as those of the ordinances in force immediately prior to the enactment of the Code by this ordinance, are intended as a continuation of such ordinances and not as new enactments. This ordinance and the Code adopted hereby shall supersede and replace the 1990 Code of Ordinances, as amended and supplemented.

§ 1-8. Code on file; additions and amendments.

- A. In accordance with § 66.0103, Wis. Stats., a copy of the Code has been filed in the office of the Town Clerk and made available for public inspection for not less than two weeks prior to adoption of this ordinance, and following adoption of this ordinance such copy shall be maintained and available for public inspection in the office of the Town Clerk.
- B. Additions or amendments to the Code, when adopted in such form as to indicate the intent of the Town Board to make them a part thereof, shall be deemed to be incorporated into such Code so that reference to the "Code of the Town of West Bend" shall be understood and intended to include such additions and amendments.

§ 1-9. Notice; publication.

The Clerk of the Town of West Bend shall cause notice of the passage of this ordinance to be given in the manner required by law. The notice of passage of this ordinance coupled with the filing of the Code in the office of the Town Clerk as provided in § 1-8 shall be deemed, held and considered to be due and legal publication of all provisions of the Code for all purposes.

§ 1-10. Severability.

Each section of this ordinance and of the Code and every part of each section is an independent section or part of a section, and the holding of any section or a part thereof to be unconstitutional, void or ineffective for any cause shall not be deemed to affect the validity or constitutionality of any other sections or parts thereof. If

any provision of this Code or the application thereof to any person or circumstances is held invalid, the remainder of this Code and the application of such provision to other persons or circumstances shall not be affected thereby.

§ 1-11. Repealer.

- A. Ordinances or parts of ordinances inconsistent with the provisions contained in the Code adopted by this ordinance are hereby repealed; provided, however, that such repeal shall only be to the extent of such inconsistency, and any valid legislation of the Town of West Bend which is not in conflict with the provisions of the Code shall be deemed to remain in full force and effect.
- B. The following have been excluded from the Code and are specifically repealed:
 - (1) Chapter 12.07, Mobile homes, of the 1990 Code.

§ 1-12. Ordinances saved from repeal.

The adoption of this Code and the repeal of ordinances provided for in § 1-11 of this ordinance shall not affect the following ordinances, rights and obligations, which are hereby expressly saved from repeal:

- A. Any ordinance adopted subsequent to April 12, 2022.
- B. Any right or liability established, accrued or incurred under any legislative provision prior to the effective date of this ordinance or any action or proceeding brought for the enforcement of such right or liability.
- C. Any offense or act committed or done before the effective date of this ordinance in violation of any legislative provision or any penalty, punishment or forfeiture which may result therefrom.
- D. Any prosecution, indictment, action, suit or other proceeding pending or any judgment rendered prior to the effective date of this ordinance brought pursuant to any legislative provision.
- E. Any franchise, license, right, easement or privilege heretofore granted or conferred.
- F. Any ordinance providing for the laying out, opening, altering, widening, relocating, straightening, establishing grade, naming, improvement, acceptance or vacation of any right-of-way, easement, street, road, highway, park or other public place or any portion thereof.
- G. Any ordinance appropriating money or transferring funds, promising or guaranteeing the payment of money or authorizing the issuance and delivery of any bond or other instruments or evidence of the Town's indebtedness.
- H. Ordinances authorizing the purchase, sale, lease or transfer of property or any lawful contract or obligation.
- I. The levy or imposition of taxes, assessments or charges.
- J. The annexation or dedication of property or approval of preliminary or final subdivision plats.

- K. Ordinances providing for local improvements or assessing taxes or special assessments therefor.
- L. All currently effective ordinances pertaining to the rate and manner of payment of salaries and compensation of officers and employees.
- M. Any legislation relating to or establishing a pension plan or pension fund for municipal employees.
- N. Any ordinances adopting or amending the Zoning Map or otherwise rezoning property.
- O. Any charter ordinances.
- P. Any ordinance or portion of an ordinance establishing or amending a specific fee amount for any license, permit or service obtained from the Town.
- Q. Any ordinance or portion of an ordinance establishing or amending a deposit or bond schedule.
- R. Any ordinance or portion of an ordinance establishing or amending rates or charges for water or sewer service.
- S. The ordinance adopted May 8, 1985, regarding public depositories.
- T. The ordinance adopted August 12, 2009, regarding building permits.

§ 1-13. Changes in previously adopted ordinances; new ordinances.

- A. In preparing the revision and codification of the ordinances, certain minor grammatical and nonsubstantive changes were made in one or more of said ordinances, and references to state statutes and regulations were updated to reflect the numbering and titles of the statutes and regulations as of the publication of this Code. It is the intention of the Town Board that all such changes be adopted as part of the Code as if the ordinances so changed had been formally amended to read as such.
- B. In accordance with § 66.0103, Wis. Stats., the Code of the Town of West Bend, on file in the office of the Town Clerk, is adopted and incorporated by reference, including the revisions set forth in Schedule A attached hereto and made a part hereof. (Chapter and section number references in Schedule A are to the ordinances as they have been renumbered and appear in the Code.)

§ 1-14. Titles and headings; editor's notes.

- A. Chapter and article titles, headings and titles of sections and other divisions of the Code are inserted in the Code and may be inserted in supplements to the Code for the convenience of persons using the Code and are not part of the legislation.
- B. Editor's notes indicating sources of sections, giving other information or referring to the statutes or to other parts of the Code are inserted in the Code and may be inserted in supplements to the Code for the convenience of persons using the Code and are not part of the legislation.

§ 1-15. Altering or tampering with Code; violations and penalties.

It shall be unlawful for anyone to change, alter or tamper with the Code in any manner which will cause the laws of the Town of West Bend to be misrepresented thereby. Anyone violating this section shall be subject, upon conviction, to a penalty as provided in Chapter 1, General Provisions, Article II, General Penalty, of the Code.

§ 1-16. When effective.

This ordinance shall take effect upon final passage and publication or posting as provided by law.

Adopted this _____ day of _____, 2024.

BY ORDER OF THE TOWN BOARD
TOWN OF WEST BEND

Troy Zagel, Town Chair

Attest:

Julie Ihlenfeld, Town Clerk