

## CHAPTER 1: GENERAL PROVISIONS

### 1.100 TITLE

This Code shall be known, cited, and referred to as the “Town of Lyndon Code of Ordinances” except as referred to herein, where it shall be known as this Code.” This Chapter shall be known as the “General Provisions Ordinance.”

### 1.101 AUTHORITY

This Code is enacted pursuant to the authority granted by the Wisconsin Statutes. (*See generally*, Ch. 60 Wis. Stats. and ' 66.0103 Wis. Stats.). Specific statutory references are provided within the body of this Code solely as a means of assisting the reader. Such references are not to be considered as all inclusive and shall in no manner be construed to limit the application or interpretation of this Code.

### 1.102 PURPOSE

The purposes of this Chapter are to provide the general rules and definitions by which this Code should be interpreted and administered.

### 1.103 RATIONALE AND THE APPEARANCE OF ORDINANCE TEXT

- (1) **RATIONALE:** Throughout this Code, paragraphs labeled Rationale may be included to ensure a complete understanding of the purpose and reasoning of the Town in adopting that particular portion of this Code. Each Rationale is intended as an official statement of the legislative findings or purposes, and shall be treated in the same manner as other aspects of legislative history, and shall serve to guide the administrative and judicial interpretation of this Code. The specific rationale expressed in each Rationale section are not intended to be exhaustive; other non-explicit rationale may also be applicable.
- (2) **APPEARANCE OF ORDINANCE TEXT:** The underlined or boldfaced headings used in this Code are inserted primarily for convenience, and are in no way to be construed as a limitation of the scope of the particular section or subsection which they head.
- (3) **ITALICS SECTIONS:** Throughout this Code, comments may appear in *italics* bracketed by parentheses. These comments are intended to explain the Code and provide guidance to the reader, especially on those topics which the Town has decided not to adopt any regulations.
- (4) **OMITTED SECTIONS:** Throughout this Code, sections, subsections, paragraphs and subparagraphs may be omitted from the outline of numbers and letters found herein. These omitted items are intended to be reserved for future use, and should not reflect the existence of a defect or typographical error. In some cases, the phrase “Reserved for Future Use” may be inserted for purposes of clarification.
- (5) **REFERENCES TO AMENDMENTS:** Throughout this Code, there may be references to ordinances which have amended the text of this Code (e.g. *Amended per Ord. 2008-5*). These references are inserted for convenience and should not be construed as an interpretation or limitation on the particular sections in which they occur. These references may be inserted, deleted, or amended by Administrative action, without approval of the Board.
- (6) **REFERENCES TO STATE STATUTES:** Throughout this Code, there may be references to state statutes, usually contained in parentheses. These references are inserted for convenience and should not be construed as an interpretation or limitation on the particular sections in which they occur. These references may be inserted, deleted, or amended by Administrative action, without approval of the Board.

**1.104 RESERVED FOR FUTURE USE****1.105 SEPARABILITY AND NON-LIABILITY**

It is hereby declared to be the intention of the Town that the several provisions of this Code are separable in accordance with the following:

- (1) If any court of competent jurisdiction shall adjudge any provision of this Code to be invalid, such judgment shall not affect any other provisions of this Code not specifically included in said judgment.
- (2) If any court of competent jurisdiction shall adjudge invalid the application of any portion of this Code to a particular act, event, property, water, building, or structure, then such judgment shall not affect the application of said provision to any other act, event, property, water, building, or structure not specifically included in said judgment.
- (3) If any requirement or limitation, which is attached to an authorization, license, or permit given under this Code, is found invalid, it shall be presumed that the authorization, license, or permit would not have been granted without the requirement or limitation and, therefore, said authorization, license, or permit shall also be invalid.

**1.106 ABROGATION**

It is not intended that this Code abrogate or interfere with any constitutionally protected vested right. It is also not intended that this Code abrogate, repeal, annul, impair or interfere with any existing easements, covenants, deed restrictions, agreements, licenses, or permits previously entered, adopted, or issued pursuant to law.

**1.107 RESERVED FOR FUTURE USE****1.108 JURISDICTION**

This Code is applicable to all territory located within the corporate limits of the Town of Lyndon.

**1.109 RE-ENACTMENT AND REPEAL**

- (1) This Code, in part, carries forward by re-enactment some of the ordinances adopted prior to the effective date of this Code. It is not the intention of this Code to repeal, but rather to re-enact and continue in force, such pre-existing ordinances so that all rights and liabilities that have accrued thereunder are preserved and may be enforced, unless explicitly surrendered by specific provisions of this Code.
- (2) All provisions of pre-existing Ordinances of the Town of Lyndon, which are not re-enacted herein, are hereby repealed.
- (3) The adoption of this Code shall not waive or adversely affect the Town's right to prosecute any violation of any pre-existing Ordinances for violations occurring while the pre-existing Ordinances were in effect.

**1.110 EFFECTIVE DATE**

This Code shall become effective upon (i) the passage and posting of an enabling Ordinance which adopts this Code according to law, and (ii) the adoption of a new zoning map, whichever occurs later. The Clerk is authorized to insert the effective date on the following line: Zoning 12/16/10, Code 2/10/11

**1.115 APPENDIXES, CHECK LISTS, APPLICATION FORMS, AND PERMIT FORMS**

Incorporated herein by reference are appendixes, check lists, application forms, and permits, the purpose of which is to help the reader interpret, understand, and apply this Code. The appendixes, check lists, application forms, and permits are a summary or a guide to the detailed rules, regulations, and procedures found in this Code, and are not to be considered a repetition of or a replacement of the text of this Code. Appendixes, check lists, application forms, and permits may be revised from

time to time, by the Town Clerk, whenever, in the Clerk's desecration, a revision is needed. If the information contained in any appendix, check list, application form, or permit is found to be inconsistent with the text of this Code, the text shall be controlling. If the information contained in any appendix, check list, application form, or permit omits information found in the text of this Code, the text shall be controlling.

#### **1.120 INSTRUCTIONS FOR USE OF THIS CODE**

Contained in the Appendixes may be instructions regarding how to use this Code. These instructions are intended to outline a step-by-step procedure for applying certain rules and regulations of this Code. However, these instructions are only intended to be an aide, and are not intended to replace or modify the text of this Code. If any instruction is inconsistent with any part of this Code, then the text of this Code shall be controlling. These instructions may be revised from time to time, by the Town Clerk, whenever, in her discretion, a revision is needed.

#### **1.121 RULES OF INTERPRETATION**

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 this Code. The following rules, meanings, and definitions shall be applied in the construction and interpretation of this Code unless such application would be clearly inconsistent with the plain meaning or intent of the particular Ordinance. Other Articles in this Code may use additional definitions.

- (1) **ACTS BY AGENTS:** When an Ordinance requires the performance of an act which may be legally performed by an authorized agent of the person or entity responsible for such performance, the requirement shall be construed to include all acts performed by such agent.
- (2) **COMPUTATION OF TIME:** In computing any period of time prescribed or allowed by this Code, 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 the last day is a Saturday, Sunday or legal holiday. If the period of time prescribed or allowed is less than seven (7) 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 by state law.
- (3) **CONFLICT OF PROVISIONS:** If the provisions of different Chapters conflict with each other, the provisions of each individual Chapter shall control all issues arising out of the transactions, occurrences, events, and persons intended to be governed by that particular Chapter. If the provisions of different sections of the same Chapter conflict with each other, the provision which is more specific in its application to the transactions, occurrences, events or persons raising the conflict shall control over the more general provision. If there is any conflict between the text of this Code and any caption, illustration, or table, the text shall control.
- (4) **REPEAL:** When any Ordinance having 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.
- (5) **WISCONSIN STATUTES:** The term "Wisconsin Statutes" and its abbreviation "Wis. Stats." shall mean the Wisconsin Statutes in effect at the adoption of this Code, as amended from time to time. The provisions of the Wisconsin Statutes listed herein, including any future revisions or amendments thereto or replacements thereof, are hereby made a part of this Code as if fully set forth herein. Any future amendments, revisions, or modifications of any Statute referred to herein shall also be made a part of this Code.
- (6) **WISCONSIN ADMINISTRATIVE CODE:** The term "Wisconsin Administrative Code" and its abbreviation as "Wis. Adm. Code" shall mean the Wisconsin Administrative Code in effect at the adoption of this Code, as amended from time to time. The provisions of the Wisconsin Administrative Code listed herein, including any future revisions or amendments thereto or replacements thereof, are hereby made a part of this Code as if fully set forth herein. Any

future amendments, revisions, or modifications of any Code referred to herein shall also be made a part of this Code.

(7) **MINIMUM REQUIREMENTS:** In their interpretation and application, the provisions of this Code shall be held to be the minimum requirements for the promotion of the public health, safety, morals, and welfare, and shall be liberally construed in favor of the Town and shall not be construed to be a limitation or repeal of any other power now possessed by the Town.

(8) **APPLICATION OF MOST RESTRICTIVE LAW:** Where property or activity is affected by the regulations imposed by any provision of this Code and by other governmental regulations, the regulations which are more restrictive or which impose higher standards or requirements shall prevail. Regardless of any other provision of this Code, no activity shall be conducted, no land shall be developed or used, and no structure shall be erected or maintained in violation of any state or federal regulations.

**1.122 CORRECTION OF ERRORS**

The Clerk is authorized to correct typographical errors (e.g. misspelled words, grammatical mistakes, numbering errors, pagination errors, etc.) found in this Code, without approval of or action by the Board.

**1.123 WORD USAGE**

The interpretation of this Code shall abide by the provisions, definitions and rules of this Section, except where the context clearly requires otherwise, or where the result would clearly be inconsistent with the manifest intent of this Code:

(1) Words used or defined in one tense or form shall include other tenses and derivative forms.

(2) Words in the singular number shall include the plural number, and words in the plural number shall include the single number, unless such construction would be clearly inconsistent with the plain meaning and intent of the particular ordinance.

(3) The masculine gender shall include the feminine, and vice versa.

(4) The words "shall", "must" and "will" are mandatory.

(5) The words "may", "can" and "might" are permissive.

(6) The word "person" includes individuals, firms, corporations, partnerships, associations, trusts, and any other legal entity.

**1.124 STATUTORY REFERENCES**

The provisions of the Wisconsin Statutes and Administrative Code Regulations listed herein, including any future revisions or amendments thereto or replacements thereof, are hereby made a part of this Code as if fully set forth herein. Any future amendments, revisions, or modifications of any Statute or Code referred to herein shall also be made a part of this Code.

**1.125 ABBREVIATIONS**

The following abbreviations in this Code are intended to have the following meanings:

<u>Abbreviation</u>	<u>Meaning</u>
DNR	Wisconsin Department of Natural Resources
DOC	Wisconsin Department of Commerce
DOT	Wisconsin Department of Transportation

**1.126 DEFINITIONS**

The following words, terms and phrases, wherever they occur in this Code, shall have the meanings ascribed to them by this Section.

<b>Board:</b>	The Town Board of the Town of Lyndon, Juneau County, Wisconsin.
<b>County:</b>	The County of Juneau, Wisconsin.
<b>Fine</b>	Shall be interchangeable with and have the same meaning as the word "forfeiture."
<b>Forfeiture</b>	Shall be interchangeable with and have the same meaning as the word "fine."
<b>Person:</b>	Shall include an individual, firm, corporation, partnership, limited partnership, limited liability company, association, cooperative, trust, and any other legal entity.
<b>State:</b>	The State of Wisconsin.
<b>Town:</b>	The Town of Lyndon, Juneau County, Wisconsin.
<b>Town Board:</b>	The Town Board of the Town of Lyndon, Juneau County, Wisconsin.

