

## Chapter 1

### GENERAL PROVISIONS

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

#### ARTICLE I

##### Adoption of State Laws

**[Adopted 3-27-2001 by Ord. No. 100; amended in its entirety 4-29-2007]**

#### § 1-1. Incorporation by reference.

- A. Pursuant to § 349.06, Wis. Stats., the Town of La Pointe enacts and incorporates herein by reference as though fully set forth herein, as Town of La Pointe ordinances, all existing and future amendments to each provision in the following chapters of the Wisconsin Statutes, for which the penalty for violation thereof is a forfeiture:
- (1) Chapter 341, Registration of Vehicles.
  - (2) Chapter 342, Vehicle Title and Anti-Theft Law.
  - (3) Chapter 343, Operators' Licenses.
  - (4) Chapter 344, Vehicles - Financial Responsibility.
  - (5) Chapter 345, Vehicles - Civil and Criminal Liability.
  - (6) Chapter 346, Rules of the Road.
  - (7) Chapter 347, Equipment of Vehicles.
  - (8) Chapter 348, Vehicles - Size, Weight and Load.
- B. The Town of La Pointe further enacts and incorporates herein by reference as though fully set forth herein, as Town of La Pointe ordinances, all existing and future amendments to each provision in the following chapters of the Wisconsin Statutes, for which the penalty for a violation thereof is a forfeiture:
- (1) Chapter 23, Conservation.
  - (2) Chapter 29, Wild Animals and Plants.
  - (3) Chapter 66, General Municipality Law.
  - (4) Chapter 125, Alcohol Beverages.
  - (5) Chapter 167, Safeguards of Persons and Property.
  - (6) Chapter 194, Motor Vehicle Transportation.

- (7) Chapter 287, Solid Waste Reduction, Recovery, and Recycling.
- (8) Chapter 349, Vehicles - Powers of State and Local Authorities.
- (9) Chapter 350, Snowmobiles.

ARTICLE II  
**Construction and Penalties**

[Adopted at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]

**§ 1-2. Violations and penalties.**

- A. General penalty. Except where a penalty is provided elsewhere in this Code, any person who shall violate any of the provisions of 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 \$25 nor more than \$500, 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 shall previously have been convicted of a violation of the same ordinance within one year shall, upon conviction thereof, forfeit not less than \$50 nor more than \$1,000 for each such offense, together with 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 of prosecution 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 Town from maintaining any appropriate action to prevent or remove a violation of any provision of this Code.
- C. Other remedies. The Town shall have any and all other remedies afforded by the Wisconsin Statutes in addition of the forfeitures and costs of prosecution above.

**§ 1-3. Documents incorporated by reference.**

Whenever any standard code, rule, regulation, statute or other written or printed matter is adopted by reference, it shall be deemed incorporated in this Code as if fully set forth herein, and the Town Clerk shall maintain in his or her office or have access to such documents via electronic means a copy of any such material as adopted and as amended from time to time. Materials on file at the Town Clerk's office shall be considered public records open to reasonable examination by any person during the office hours of the Town Clerk, subject to such restrictions on examination as the Clerk imposes for the preservation of the material.

ARTICLE III  
**Adoption of Code**

[Adopted 12-13-2011 by Ord. No. 2011-02]

**§ 1-4. Adoption of Code.**

Pursuant to § 66.0103, Wis. Stats., the ordinances of the Town of La Pointe of a general and permanent nature adopted by the Town Board of the Town of La Pointe, as revised, codified and consolidated into chapters and sections by General Code, and consisting of Chapters 1 through 432, together with an Appendix, are hereby approved, adopted, ordained and enacted as the "Code of the Town of La Pointe," hereinafter referred to as the "Code."

**§ 1-5. Code supersedes prior ordinances.**

This ordinance and the Code shall supersede all other general and permanent ordinances enacted prior to the enactment of this Code, except such ordinances as are hereinafter expressly saved from repeal or continued in force.

**§ 1-6. Continuation of existing provisions.**

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, and the effectiveness of such provisions shall date from the date of adoption of the prior ordinances.

**§ 1-7. Copy of Code on file.**

A copy of the Code has been filed in the office of the Town Clerk and shall remain there for use and examination by the public for at least two weeks, in accordance with § 66.0103, Wis. Stats., and until final action is taken on this ordinance, and, if this ordinance shall be adopted, such copy shall be certified to by the Town Clerk, and such certified copy shall remain on file in the office of said Town Clerk to be made available to persons desiring to examine the same during all times while said Code is in effect.

**§ 1-8. Amendments to Code.**

Any and all additions, deletions, amendments or supplements to the Code, when adopted in such form as to indicate the intention 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 La Pointe" shall be understood and intended to include such additions, deletions, amendments or supplements. Whenever such additions, deletions, amendments or supplements to the Code shall be adopted, they shall thereafter be inserted in the Code as amendments and supplements thereto.

**§ 1-9. Publication; filing.**

The Clerk of the Town of La Pointe, pursuant to law, shall cause to be published, in the manner required by law, a notice of the adoption of this ordinance. Sufficient copies of the Code shall be maintained in the office of the Clerk for inspection by the public at all times during regular office hours. The publication of notice of the enactment of this ordinance, coupled with the availability of a copy of the Code for inspection by the public, shall be deemed, held and considered to be due and legal publication of all provisions of the Code for all purposes.

**§ 1-10. Code to be kept up-to-date.**

It shall be the duty of the Town Clerk, or someone authorized and directed by the Clerk, to keep up-to-date the certified copy of the Code required to be filed in the Clerk's office for use by the public. All changes in said Code and all ordinances adopted subsequent to the effective date of this codification which shall be adopted specifically as part of the Code shall, when finally adopted, be included therein by reference until such changes or new ordinances are included as supplements to said Code.

**§ 1-11. Sale of Code.**

Copies of the Code, or any chapter or portion of it, may be purchased from the Clerk or an authorized agent of the Clerk upon the payment of a fee to be set by the Town Board. The Clerk may also arrange for procedures for the periodic supplementation of the Code.

**§ 1-12. Altering or tampering with Code; penalties for violation.**

It shall be unlawful for anyone to improperly change or amend, by additions or deletions, any part or portion of the Code or to alter or tamper with such Code in any manner whatsoever which will cause the law of the Town of La Pointe to be misrepresented thereby. Anyone violating this section or any part of this ordinance shall be subject, upon conviction, to a penalty as provided in § 1-2 of the Code.

**§ 1-13. Severability of Code provisions.**

Each section 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.

**§ 1-14. Severability of ordinance provisions.**

Each section of this ordinance is an independent section, and the holding of any section or 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.

**§ 1-15. Repealer.**

All ordinances or parts of ordinances of a general and permanent nature adopted and in force on the date of the adoption of this ordinance and not contained in the Code are hereby repealed as of the effective date of this Adoption Ordinance, except as hereinafter provided.

**§ 1-16. Ordinances saved from repeal.**

The adoption of this Code and the repeal of ordinances provided for in § 1-15 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, 2011.
- 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, changing name, 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 a zoning map or otherwise rezoning property.
- O. Any charter ordinances.
- P. Any ordinance or portion of an ordinance establishing 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. The Subdivision Ordinance and any amendments thereto.

- S. The Zoning Ordinance and any amendments thereto.
- T. Ordinance No. 09-14-A, Ordinance Creating the Position, Duties and Responsibilities of the Office of Town Administrator of the Town of La Pointe, adopted September 14, 1999.

**§ 1-17. Changes in previously adopted ordinances; new ordinances.**

- A. In compiling and preparing the ordinances for publication as the Code of the Town of La Pointe, no changes in the meaning or intent of such ordinances have been made, except as provided for in Subsection C hereof. Certain grammatical changes and other minor nonsubstantive changes were made in one or more of said pieces of legislation. It is the intention of the Town Board that all such changes be adopted as part of the Code as if the ordinances had been previously formally amended to read as such.
- B. The adoption of the Code includes the adoption of the following new ordinances, as set forth in the copy of the Code on file in the office of the Town Clerk: Chapter 1, Article II, Construction and Penalties; Chapter 18, Citations; Chapter 35, Emergency Medical Services; Chapter 40, Article VII, Special Assessments and Charges; Chapter 45, Fire Department; Chapter 117, Police Department; Chapter 128, Records; Chapter 135, Sanitary District; Chapter 347, Article II, Use of Town Facilities; and Chapter 394, Article II, Construction and Acceptance of Roads.
- C. The amendments and/or additions as set forth in Schedule A<sup>1</sup> attached hereto and made a part hereof are made herewith, to become effective upon the effective date of this ordinance. (Chapter and section number references are to the ordinances as they have been renumbered and appear in the Code.)
- D. Throughout the Code, references to specific chapters and sections of the Wisconsin Statutes and Wisconsin Administrative Code are revised to reflect the numbering of the statutes and Administrative Code as of the publication of this Code.

**§ 1-18. When effective.**

This ordinance shall take effect upon passage and publication as required by law.

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<sup>1</sup>. Editor's Note: In accordance with § 1-17C, the articles and sections which were amended or adopted by this ordinance are indicated throughout the Code by a footnote referring to Chapter 1, General Provisions, Article III. During routine supplementation, footnotes indicating amendments, additions or deletions will be replaced with the following history: "Amended (added, repealed) 12-13-2011 by Ord. No. 2011-02." Schedule A, which contains a complete description of all changes, is on file in the Town offices.