

# **CHAPTER 1            GENERAL PROVISIONS**

---

- 1.01        Title**
- 1.02        Definitions**
- 1.03        Principles of Construction**
- 1.04        Conflicting Provisions**
- 1.05        Severability of Provisions**
- 1.06        Citations**
- 1.07        Party to Offense**
- 1.08        Deposit Schedule**
- 1.09        Enforcement; Violations and Penalties**

# CHAPTER 1      GENERAL PROVISIONS

---

## SECTION 1.01      Title.

These collected ordinances shall be known as the “Code of Ordinances” of the Village of Cross Plains, Dane County, Wisconsin, and may be referred to as “the Code” or “this Code.”

## SECTION 1.02      Definitions.

For the purposes of the Code, unless the context indicates otherwise:

- (a)      **“Code”** means this Code of Ordinances.
- (b)      **“Crime,”** when used in provisions adopted from another source, such as the Wisconsin Statutes, means “offense.”
- (c)      **“Criminal intent,”** when used in provisions adopted from another source, such as the Wisconsin Statutes, means “intent.”
- (d)      **“Person”** means any natural person, corporation, partnership, association, body politic, and all other legal entities that are capable of being sued.
- (e)      **“Village”** means the Village of Cross Plains, Dane County, Wisconsin.
- (f)      **“Wisconsin Administrative Code”** and its abbreviation “Wis. Adm. Code” mean the Wisconsin Administrative Code as it existed at the time the Code provision containing that term was adopted, and as the Wisconsin Administrative Code is thereafter amended.
- (g)      **“Wisconsin Statutes”** and its abbreviation “Wis. Stats.” mean the Wisconsin Statutes as they existed at the time the Code provision containing that term was adopted, and as the Wisconsin Statutes are thereafter amended.

## SECTION 1.03      Principles of Construction.

The following principles shall be applied in the construction and enforcement of this Code, unless such application would be inconsistent with the Code’s intent:

- (a)      **Acts by Agents.** When an ordinance requires a person to perform an act that may be legally performed by an authorized agent of that principal person, the requirement shall be construed to include all acts performed by such agent.
- (b)      **Adopted Provisions.** When provisions are adopted from another source, such as the Wisconsin Statutes, all pertinent cross-references and definitions within that source are also adopted.
- (c)      **General Rule.** All words and phrases shall be construed according to their plain meaning in common usage. However, words and 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 the Code.

- (d) **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.
- (e) **Singular and Plural.** Every word in this Code referring to the singular number only shall also be construed to apply to multiple persons or things, and every word in this Code referring to a plural number shall also be construed to apply to one person or thing.
- (f) **Tense.** The use of any verb in the present tense shall not preclude the interpretation of the verb in the future tense where appropriate.
- (g) **Time.** In computing any period of time prescribed or allowed by this Code, and unless the Code provision states to the contrary, 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 it is a Saturday, a Sunday or a legal holiday. If the period of time prescribed or allowed is less than seven days, Saturdays, Sundays, and legal holidays shall be excluded in the computation. As used in this subsection, “legal holiday” means any statewide legal holiday specified by state law.

#### **SECTION 1.04      Conflicting Provisions.**

For the purposes of this Code:

- (a) **Different Chapters.** If the provisions of different chapters of this Code conflict with each other, the provisions of each individual chapter shall control all issues arising out of the events and persons intended to be governed by that chapter.
- (b) **Different Sections.** If the provisions of different sections of the same chapter of this Code conflict with each other, the provision that is more specific in its application to the events or persons raising the conflict shall control over the more general provision.
- (c) **Different Adoption Dates.** If the provisions of different parts of the Code remain in conflict after application of the above-stated rules, the part more recently adopted by the Village shall control.

#### **SECTION 1.05      Severability of Provisions.**

If any provision 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 provision of this Code.

**SECTION 1.06 Citations.**

- (a) **Authorization for Use of Citations.** The Village hereby elects to adopt and authorize the use of citations to be issued for violations of ordinances, including ordinances for which a statutory counterpart exists.
- (b) **Officials Authorized to Issue Citations.** Citations authorized by this Code shall be issued by Village law enforcement officers. Following investigation by a Village official of a complaint or possible violation of a provision of this Code, the Village official shall forward a report to Village Law Enforcement for determination if a citation should be issued.
- (c) **Form of Citations.** Each citation shall contain the information required by law and may contain additional information.

**SECTION 1.07 Party to Offense.**

A person may be charged with and convicted of the commission of an offense if that person directly committed an offense or if that person aided and abetted the commission of an offense.

**SECTION 1.08 Deposit Schedule.**

- (a) **Deposit Amounts.** The schedule of deposit amounts, shall be established by the Municipal Court and approved by the Village Board. The schedule of deposit amounts is set forth in Chapter 14 of this Code, is incorporated by reference and made part of this Chapter.
- (b) **Receipts.** Cash deposits shall be made to the Clerk of the Municipal Court. Receipts shall be given for cash deposits.

**SECTION 1.09 Enforcement; Violations and Penalties.**

- (a) **General Penalty.** If no other penalty provision in this Code applies, then any person found guilty of having violated any provision of this Code shall be subject to a forfeiture of not less than \$30 nor more than \$1,000; shall be ordered to pay all costs, fees, penalties, assessments, surcharges, and other charges that are or can be imposed by law; and shall be ordered to pay the costs of prosecution including fees for lay and expert witnesses if incurred by the Village, whenever such costs are allowed by law.
- (b) **Adopted Penalties.** Any person found guilty of having violated any provision of this Code that is adopted from a state statute or state code shall be subject to a

forfeiture equal to or greater than the minimum forfeiture or fine permitted for violation of the state provision and to a maximum forfeiture equal to or less than the maximum forfeiture or fine permitted for violation of the state provision, provided that the maximum forfeiture shall not exceed \$2,000; shall be ordered to pay all costs, fees, penalties, assessments, surcharges, and other charges that are or can be imposed by law; and shall be ordered to pay the costs of prosecution including fees for lay and expert witnesses if incurred by the Village, whenever such costs are allowed by law. All other terms that, under state law, must be ordered upon such a finding shall be ordered. All other terms that, under state law, may be ordered upon such a finding may be ordered. If an adopted state provision has no penalty provision, the general penalty provisions of this Code shall apply.

- (c) **Juvenile Dispositions and Sanctions.** For a juvenile adjudged to have violated an ordinance, the Municipal Court is authorized to impose any of the dispositions listed in §§ 938.343 and 938.344, Wis. Stats., in accordance with the provisions of those statutes. For a juvenile adjudged to have violated an ordinance who violates a condition of a dispositional order of the court under § 938.343 or 938.344, Wis. Stats., the Municipal Court is authorized to impose any of the sanctions listed in § 938.355(6)(d), Wis. Stats., in accordance with the provisions of those statutes.
- (d) **Schedule of Cash Deposits.** The officer issuing a citation shall indicate in the proper place upon it the amount of cash deposit which may be made. The appropriate cash deposits for violation of the various sections of this Code are as provided in Chapter 14 and § 1.08 of this chapter.
- (e) **Continued Violations.** Each violation and each day a violation occurs or continues shall constitute a separate offense. Nothing in this Code shall preclude the Village from maintaining any appropriate action to prevent or remove a violation of this Code.
- (f) **Other Remedies.** The Village shall have any and all other remedies afforded by law in addition to the remedies, terms, and penalties described in this Code.
- (g) **Repeat Offenders.** If any person, firm, or corporation shall be convicted of violation of any provision of this Code or forfeit a cash deposit due to alleged violation of this Code less than one year after a conviction or forfeiture based on a violation of any section of this Code, this shall be grounds for doubling the value of the forfeiture.
- (h) **Other Methods not Excluded.** Nothing in this chapter shall be construed as prohibiting the abatement of public nuisances by the Village of Cross Plains or its officials in accordance with the laws of the State of Wisconsin.