

CHAPTER 1

GENERAL PROVISIONS

1.01 USE AND CONSTRUCTION:

(1) **TITLE OF CODE:** These collected Ordinances shall be known and referred to as the “Code of Ordinances, Town of Rome, Adams County, Wisconsin” or the “Town Code”.

(2) **PRINCIPLES OF CONSTRUCTION:** The following rules or meanings shall be applied in the construction and interpretation of Ordinances codified in the Town Code unless such application would be clearly inconsistent with the plain meaning or intent of the Ordinances:

(a) When an Ordinance requires action by a person, which may be legally performed by an authorized agent of that principal person, the requirement shall be construed to include all acts performed by such agents.

(b) The words “Codes,” “Code of Ordinances” and “Municipal Code” when used in any Section of this Code shall refer to this Code of Ordinances unless the context of the Section clearly indicates otherwise.

(c) In computing any period of time prescribed or allowed by these Ordinances, 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, in which case the last day shall be the following weekday. 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.

(d) Every word in these ordinances referring to the masculine gender shall also be construed to apply to females, and vice versa. The masculine gender is used herein solely in the interest of brevity.

(e) All words and phrases shall be construed according to the definitions set forth in Chapter 16, if applicable, otherwise 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 the Ordinances.

(f) When any Ordinance having the effect of repealing a prior Ordinance is itself repealed, such repeal shall not be construed to revive the prior Ordinance or any part thereof, unless expressly so provided.

(g) Every word in these Ordinances referring to a singular number only shall also be construed to apply to several persons or things, and every word in these Ordinances referring to a plural number shall also be construed to apply to one (1) person or thing.

(h) The use of any verb in the present tense shall not preclude the interpretation of the verb in the past or future tense where appropriate.

(3) CONFLICT OF PROVISIONS:

(a) If the provisions of different Chapters 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) 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 events or persons raising the conflict shall control over the more general provision.

(4) SEPARABILITY OF PROVISIONS: If any provision of the Town 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 provisions of the Town Code.

(5) EFFECTIVE DATE OF ORDINANCES:

(a) Code: The Town Code shall take effect as provided by state law.

(b) Subsequent Ordinances: All Ordinances passed by the Town Board subsequent to the adoption of the Town Code, except when otherwise specifically provided, shall take effect from and after their publication or posting.

(6) 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 any amendments thereto shall likewise be incorporated. The Town Clerk shall maintain in his or her office a copy of any such material as adopted and as amended from time to time.

(7) AMENDMENTS: The Town Board may amend the codified ordinances.

1.02 PENALTIES:

(1) GENERAL PENALTY: Except where a penalty is provided elsewhere in the Town Code, any person who shall violate any of the provisions of the Town Code shall, upon conviction of such violation, be subject to a penalty, which shall be as follows:

(a) First Offense Penalty: Any person who shall violate any provision of the Town Code shall, upon conviction thereof, forfeit a deposit of not less than Twenty-five Dollars (\$25.00) nor more than Five Hundred Dollars (\$500.00), together with all applicable costs and fees.

(b) Second Offense Penalty: Any person who shall violate any provision of the Town Code as a second or subsequent offense shall, upon conviction thereof, forfeit a deposit of not less than Twenty five Dollars (\$25.00) nor more than One Thousand Dollars (\$1,000.00), together with all applicable costs and fees.

1. Continued Violations: Each violation and each day a violation continues or occurs shall constitute a separate offense. Nothing in the Town Code shall preclude the Town from maintaining any appropriate action to prevent or remove a violation of any provision of the Town Code.

2. Other Remedies: The Town shall have any and all other remedies afforded by the Wisconsin Statutes in addition to the forfeitures and costs of prosecution above. The Town may bring an action in the Circuit Court for Adams County, WI for the abatement of the offense and an injunction prohibiting continued and/or future use of the premise, property, etc. in a manner, which would violate the requirements of the Ordinance.

1.03 MUNICIPAL COURT:

(1) **MUNICIPAL COURT ESTABLISHED:** There is hereby created and established in and for the Town of Rome a municipal court which will be designated “Municipal Court for the Town of Rome”.

(2) **AUTHORITY:** The municipal court shall be governed by Chapters 755 and 800 Wis. Stats., which Chapters are incorporated herein by reference.

(3) JURISDICTION:

(a) Pursuant to the municipal court shall have jurisdiction as provided in Wisconsin Statutes 755.045 and 800.01, and exclusive jurisdiction of violations of town ordinances, except as provided by Wisconsin Statutes Section 755.045(1) (a) and (b).

(b) Sec. 800.12 Wis. Stats. shall govern contempt of court procedures.

(c) Pursuant to sec. 938.17(2) (a) Wis. Stats., the municipal court shall have concurrent jurisdiction with the juvenile court in proceedings against juveniles 12 years of age or older for violations of town ordinances and, except as provided for in sec. 938.17 (1) Wis. Stats., shall have exclusive jurisdiction over such juveniles for violations of a town ordinance enacted under Chapter 349 Wis. Stats. that is in conformity with chapters 341 to 349 Wis. Stats.

(4) **DISPOSITIONS AND SANCTIONS IN JUVENILE CASES:** Pursuant to sec. 938.17 (2) (cm) and (d) Wis. Stats., the town authorizes the court to impose all of the dispositions set forth in secs. 938.343 and 938.344 and all of the sanctions set forth in sec. 938.355 (6) (d) and (6m) Wis. Stats.

(5) PROCEDURE:

(a) The court shall be open not less than one day per month, as the Town Board may direct.

(b) The procedures of the municipal court shall be in accord with the applicable Wis. Stats. and town ordinances. The court shall abide by the Wisconsin Rules of Evidence.

(c) The Municipal Judge shall establish and submit to the Town Board for approval in accordance with Sec. 800.037, Wis. Stats., a schedule of deposits for violations of Town ordinances. The deposit schedule established by the Wisconsin Judicial Conference shall apply to violations of traffic regulations enacted in accordance with Sec. 345.27 and boating regulations enacted in accordance with Sec. 30.77, Wis. Stats. No bond shall exceed the maximum penalty, which could be imposed for the ordinance violation. The Police Chief shall be furnished a copy of all bond schedules and amendments thereto.

(d) The municipal court shall collect all forfeitures, fines and costs in any action or proceeding made in the court, and shall pay over such moneys to the town treasurer within 30 days of receipt.

(6) **BAILIFF:** A court officer selected by the Police Chief and approved by the municipal judge shall be assigned as bailiff to the municipal court.

(7) **EMPLOYEES:** Pursuant to sec. 755.10 (1) Wis. Stats., the municipal judge shall appoint in writing a court clerk and any other personnel authorized by the Town Board. The salaries of such employees shall be set by the Town Board. Pursuant to sec. 755.10 Wis. Stats., the hiring, termination, hours of employment and work responsibility of the employees when working during hours assigned to the court shall be under the judge's authority.

(8) **SUBSTITUTE AND INTERIM MUNICIPAL JUDGES:** In the event the municipal judge is ill, absent or unable to perform the duties of the office, the provisions of Section 800.06(1), Wis. Stats. shall apply. In the event of death or resignation, the town board may fill the vacancy by temporary appointment under sec. 8.50 (4) (fm) Wis. Stats. Substitute and temporary municipal judges are subject to this chapter in the same manner as is the municipal judge. Substitute municipal judges are not required to be licensed or admitted to practice law in this state. Substitute and interim municipal judges shall receive the same daily fee as does the municipal judge.

(9) **SALARY:** The salary of the municipal judge shall be set by the Town Board and shall not be decreased during the term of office.

(10) **FEES AND COSTS:** Subject to sec. 814.65 Wis. Stats., the Town Board shall set the fees and costs chargeable in this court.