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CHAPTER 25

CONSTRUCTION AND EFFECT OF ORDINANCES

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**25.01 RULES OF CONSTRUCTION.** In the construction of this General Code the following rules shall be observed unless such construction would be inconsistent with the manifest intent of the ordinance:

- (1) **WISCONSIN STATUTES.** All references to "Wisconsin Statutes" or "Wis. Stats." shall mean the Wisconsin Statutes for the years 2017-18 and 2019-20.
- (2) **GENDER, SINGULAR AND PLURAL.** Every word in this Code, and in any ordinance imparting the masculine gender, may extend and be applied to females as well as males, and every word imparting the singular number only may extend and be applied to several persons or things as well as to one person or thing; provided these rules of construction shall not be applied to any provision which contains any express language excluding such construction, or when the subject matter or context of such provision may be repugnant thereto.
- (3) **PERSON.** The word "person" extends and applies to natural persons, firms, corporations, associations, partnerships or other bodies politic and to all entities capable of being sued, unless plainly inapplicable.
- (4) **ACTS OF AGENTS.** When a provision requires an act to be done which may by law as well be done by an agent as by the principal, such requirement shall be construed to include all such acts when done by an authorized agent.

**25.02 CONFLICT AND SEPARABILITY.**

- (1) **CONFLICT OF PROVISIONS.** If the provisions of the different chapters of this Code conflict with or contravene each other, the provisions of each chapter shall prevail as to all matters and questions arising out of the subject matter of such chapter.
- (2) **SEPARABILITY OF CODE PROVISIONS.** If any section, subsection, sentence, clause or phrase of the 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 section, subsection, sentence, clause or phrase or portion thereof. The Board hereby declares that it would have passed this Code and each section, subsection, sentence, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions may be declared invalid or unconstitutional.

**25.03 CLERK TO FILE DOCUMENTS INCORPORATED BY REFERENCE.**

Whenever in this Code any standard, code, rule, regulation 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 Clerk shall file, deposit and keep in his office a copy of the Code, standard, rule, regulation or other written or printed matter as adopted. Materials so filed, deposited and kept shall be public records open for examination with proper care by any

63 person during the Clerk's office hours, subject to such orders or regulations which the  
64 Clerk may prescribe for their preservation.

65  
66 **25.04 PENALTY PROVISIONS.**

- 67  
68 (1) GENERAL PENALTY. Except as otherwise provided, any person who shall  
69 violate any of the provisions of this Code shall, upon conviction of such violation,  
70 be subject to a penalty which shall be as follows:

71  
72 (a) First Offense. Any person who shall violate any provision of this Code shall,  
73 upon conviction thereof, forfeit the amount set forth in Resolution 2023-A,  
74 entitled "Establishing a Schedule of Forfeitures and of Cash Deposits for use  
75 with Citations Issued," or any subsequent resolution, or amendment thereto.  
76 The Forfeiture Schedule adopted by Resolution of the Town Board may be  
77 changed from time to time by the Town Board. Any such change shall be kept  
78 on file in the office of the Town Clerk, remain posted at the Town Hall and be  
79 posted on the Town of River Falls website.

80 (b) Injunctive Relief. In addition to the imposition of a forfeiture for an offence,  
81 the Town may seek injunctive relief to prohibit a continuing violation or  
82 offense, or to remove or eliminate a violation.

83  
84 (c) Second Offense. Any person found guilty of violating any provision of this  
85 Code who has previously been convicted of a violation of the same Code  
86 offense within one year of the date of such conviction shall, upon such second  
87 conviction, forfeit amount as is set from time to time by the Town Board for  
88 each such second or subsequent offense, together with court costs and costs of  
89 prosecution.

- 90  
91 (2) EXECUTION AGAINST DEFENDANT'S PROPERTY. Whenever any person  
92 fails to pay any forfeiture and costs of prosecution upon the order of any court for  
93 violation of any ordinance of the Town, the court may, issue an execution against  
94 the property of the defendant for such forfeiture and costs.

95  
96 (a) Injunctive Relief. In addition to the imposition of a forfeiture for an offense,  
97 the Town may seek injunctive relief to prohibit a continuing violation or  
98 offense, or to remove or eliminate a violation.

- 99  
100 (3) CITATION METHOD OF ENFORCEMENT.

101  
102 (a) Statutory Authorization. Pursuant to Wis. Stat. §66.0113, the Town elects to  
103 use the citation method of enforcement of ordinances, including those for  
104 which a statutory counterpart exists.

105  
106 (b) Contents of Citation. The citation shall contain the following:

- 107  
108 1. Name and address of the alleged violator.

2. Factual allegations describing the alleged violation.
3. Time and place of the offense.
4. Number and section of the ordinance violated.
5. A designation of the offense in such a manner as can readily be understood by a person making a reasonable effort to do so.
6. Time and date in which the violator may appear in court.
7. A statement which informs the violator:
  - a. That a cash deposit based on the established schedule may be delivered or mailed to the Clerk of Circuit Court prior to the time of the scheduled court appearance.
  - b. That if a deposit is made no appearance in court is necessary unless he is subsequently summoned.
  - c. If the alleged violator makes a cash deposit and does not appear in court, he or she either will be deemed to have tendered a plea of no contest and submitted to a forfeiture, plus costs, fees and surcharges imposed under Wis. Stat. Chapter 814, not to exceed the amount of the deposit, or will be summoned into court to answer the complaint if the court does not accept the plea of no contest.
  - d. That if no cash deposit is made and the alleged violator does not appear in court at the time specified, an action may be commenced to collect the forfeiture.
  - e. A direction that if the alleged violator elects to make a cash deposit, the statement which accompanies the citation shall be signed to indicate that the required statement has been read. Such statement shall be sent or brought with the cash deposit.
  - f. If the court finds that the violation involves an ordinance that prohibits conduct that is the same as or similar to conduct prohibited by state statute punishable by fine or imprisonment or both, and that the violation resulted in damage to the property of or physical injury to a person other than the alleged violator, the court may summon the alleged violator into court to determine if restitution shall be ordered under Wis. Stat. §800.093.
8. Deposits shall be made in cash, money order or certified check to the Clerk

of Circuit Court who shall provide a receipt therefor.

(c) Issuance of Citations. Citations under this section shall be issued by the Town Chair or designee.

(d) Procedure. Wis. Stat. §66.0113(3) relating to violator's options and procedures on default is hereby adopted and incorporated by reference.

(e) Nonexclusivity.

1. Other Ordinance. Adoption of this subsection does not preclude the Town Board from adopting any other ordinance or providing for the enforcement of any other law or ordinance relating to the same or other matter.

2. Other Remedies. The issuance of a citation hereunder shall not preclude the Town Board or any authorized officer from proceeding under any other ordinance or law or by any other enforcement method to enforce any provisions of this code or any other ordinance, regulation or order.

(f) Exclusion. The uniform complaint adopted in this subsection shall not be used in connection with those traffic ordinances adopted by reference where a uniform traffic citation is required to be used.

(g) Service of Citation. All citations issued hereunder shall be served by a designated law enforcement officer or town representative personally or by regular mail upon the defendant. The Town Board may, at their discretion, issue a warning letter prior to issuance of a citation.

(4) CONTINUED VIOLATIONS. Each violation and each day a violation continues or occurs shall constitute a separate offense.

#### **25.05 REPEAL OF GENERAL ORDINANCES.**

All ordinances previously adopted by the Town Board which are in conflict with any provision of this General Code are hereby repealed, except all ordinances or parts of ordinances relating to the following subjects and not conflicting with any of the provisions of this Code:

- (1) The issuance of corporate bonds and notes of the Town of whatever name or description.
- (2) The establishment of grades, curb lines and widths of sidewalks in the public streets and alleys.
- (3) The fixing of salaries of public officials and employees.
- (4) Rights, licenses, franchises or the creation of any contract with the Town.

- 202 (5) The lighting of streets and alleys.  
203  
204 (6) The naming and changing of names of streets, alleys, public grounds and parks.  
205  
206 (7) The letting of contracts without bids.  
207  
208 (8) The establishment of wards, ward boundaries and election precincts.  
209  
210 (9) Tax and special assessment levies.  
211  
212 (10) Releases of persons, firms or corporations from liability.  
213  
214 (11) Construction of public works.  
215  
216 (12) Water, sewer and electric rates, rules and regulations, and sewer and water main  
217 construction.  
218  
219 (13) Budget ordinances, resolutions and actions.  
220

221 **25.06 EFFECT OF REPEALS.**

222 The repeal or amendment of any section or provision of this Code, or of any other  
223 ordinance or resolution of the Board, shall not:  
224

- 225 1) By implication be deemed to revive any ordinance not in force or existing at the  
226 time such repeal or amendment takes effect.  
227  
228 2) Affect any vested right, privilege, obligation or liability acquired, accrued or  
229 incurred under any enactment so repealed or amended, unless the privilege of  
230 repealing such obligation or privilege has been reserved by the Town.  
231  
232 3) Affect any offense committed, or penalty or forfeiture incurred, previous to the  
233 time when any ordinance is repealed or amended; except when any forfeiture or  
234 penalty has been mitigated by the provisions of any ordinance, such provisions  
235 shall apply to and control any judgment to be pronounced after such ordinance  
236 takes effect for any offense committed before that time.  
237  
238 4) Affect any prosecution for any offense, or the levy of any penalty or forfeiture  
239 pending at the time when any ordinance above is repealed or amended; but the  
240 right of action shall continue and the offender shall be subject to the penalty as  
241 provided in such ordinance, and such prosecution shall proceed, in all respects, as  
242 if such ordinance had not been repealed; except all such proceedings had after the  
243 time this Code takes effect shall be conducted according to the provisions of this  
244 Code.  
245

246 **25.07 TITLE; EFFECTIVE DATE; CITATION.**

247 These ordinances shall be known as the "General Code of the Town of River Falls,

248 Wisconsin," and shall take effect from and after passage and publication as provided in  
249 Wis. Stat. §66.035. All references thereto shall be cited by section number (example:  
250 Section 13.06, General Code of the Town of River Falls).

251

252 **25.08 KEEPING CODE CURRENT; REVISOR'S AMENDMENTS.** As each  
253 ordinance or resolution affecting the General Code becomes effective, the Town Clerk  
254 shall forward such ordinance or resolution to the Revisor, who shall incorporate them into  
255 the General Code. The Revisor shall make no substantive changes to such ordinances and  
256 resolutions, but may renumber, rearrange and edit them without first submitting them to  
257 the Town Board; and such rearranging, renumbering and editing shall not affect the  
258 validity of such ordinances and resolutions or the provisions of this General Code affected  
259 thereby.