

Title 1

GENERAL PROVISIONS

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- 1.04 Code Adoption
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- 1.10 Issuance of Citations for Violations of City Ordinances
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Chapter 1.04

CODE ADOPTION

Sections:

- 1.04.010 Review and Recodification
- 1.04.020 Notice of Code Adoption
- 1.04.030 Code Adoption

1.04.010 Review and Recodification. Whereas, the ordinances of the City of Whitehall are in need of review and codification; and Whereas, S. 66.035 of the Wisconsin Statutes specifically authorizes Cities to prepare and publish such code of ordinances; Now Therefore, be it resolved, that the Common Council of the City of Whitehall does hereby decree its intent to make such review and codification of the ordinances of the City; and further, be it resolved, that the Clerk-Treasurer along with the assistance of the Firm of Kostner, Ward and Koslo shall have the responsibility for examining, codifying, classifying and editing the present Code of Ordinances. Be it further resolved, that the Common Council of the City of Whitehall, Wisconsin, does not by this resolution intend to relinquish its power and duty to make all legal decisions and determine all legal questions as to the content of such Code of Ordinances. (November 30, 1982 Code Resolution)

1.04.020 Notice of Code Adoption. Whereas, a code of general ordinances entitled the "Whitehall Municipal Code" has been prepared and tentatively approved by the Common Council. Now therefore, be it resolved, that said code be presented for adoption by the Common Council at the next regular council meeting on June 12, 1984; and Be it further resolved, that the City Clerk is directed to file a copy of the proposed "Whitehall Municipal Code" in his office for public inspection commencing May 9, 1984 and to cause a copy of the following notice to be published in the next issue of the Whitehall Times:

NOTICE: Please take notice that the City Council of the city of Whitehall will consider the adoption of a new code of ordinances entitled the "Whitehall Municipal Code" on June 12, 1984 in the City Hall. You are further notified that a copy of said proposed new code will be on file and open for public inspection in the office of City Clerk commencing May 9, 1984. Adopted this 8th day of May 1984, by the Common Council of the City of Whitehall, Wisconsin.

1.04.030 Code Adoption. Pursuant to Section 66.035 of the Wisconsin Statutes. The Common council of the City of Whitehall has authorized the preparation of a code of general ordinances. Such code has been prepared in book form, and was given tentative approval by the Common Council on May 8, 1984. Pursuant to this statute, a copy was placed on file and open to public inspection in the Office of the Clerk at least 2 weeks prior to its adoption.
Adopted June 12, 1984.

RESOLUTION

WHEREAS a Code of General Ordinances entitled the “Whitehall Municipal Code” has been prepared and is tentatively approved by the Common Council,

NOW, THEREFORE BE IT RESOLVED that said Code be presented for adoption by the Common Council at the next regular meeting on June 12, 1984; and

BE IT FURTHER RESOLVED that the City clerk is directed to file a copy of the proposed “Whitehall Municipal Code; in his office for public inspection commencing May 9, 1984 and to cause a copy of the following notice to be published in the next issue of the Whitehall Times:

NOTICE: Please take notice that the City Council of the city of Whitehall will consider the adoption of a new code of Ordinances entitled the “Whitehall Municipal Code” on June 12, 1984 in the City Hall. You are further notified that a copy of said proposed new Code will be on file and open for public inspection in the office of City Clerk commencing May 9, 1984.

Adopted May 8, 1984

Chapter 1.08

GENERAL PENALTIES

Sections:

- 1.08.010 First Offense – Penalties
- 1.08.020 Second Offense – Penalties
- 1.08.025 Disposition of Juveniles Convicted of Civil Law or Ordinance Violations
- 1.08.030 Enforcement – Execution against Defendant’s Property
- 1.08.040 Offenses – Separate Days

1.08.010 First Offense – Penalties. Any person who shall violate any provision of this code subject to a penalty shall, unless other specific penalties are provided for, upon conviction thereof, forfeit not less than \$1.00 nor more than \$500.00, together with the costs of prosecution and in default of payment of such forfeiture and costs of prosecution shall be imprisoned in the Trempealeau County Jail until said forfeiture and costs are paid, but not exceeding 90 days.

1.08.020 Second Offense – Penalties. Any person found guilty of violation of any ordinance or part of an ordinance of this code who shall previously have been convicted of a violation of the same ordinance shall upon conviction thereof, forfeit not less than \$10.00 nor more than \$1,000.00 for each such offense, together with the costs of prosecution and in default of payment of such forfeiture and costs shall be imprisoned in the Trempealeau County Jail until said forfeiture and costs of prosecution are paid, but not to exceed 6 months.

1.08.025 Disposition of Juveniles Convicted of Civil Law or Ordinance Violations. The municipal court may impose, or petition the court assigned to exercise jurisdiction under Chapters 48 and 938, Wis. Stats., to impose any of the dispositions authorized under Section 938.343 or 938.344, Wis. Stats., as amended from time to time, and any of the sanctions authorized under Section 938.355(6)(d), Wis. Stats., as amended from time to time, upon any juvenile convicted of a civil law or ordinance violation.

1.08.030 Enforcement – Execution Against Defendant’s Property. Whenever any person fails to pay any forfeiture and costs of prosecution upon the order of the Court for violation of any ordinances of the City, the Court may, in lieu of ordering imprisonment of the defendant, or after the defendant has been released from custody, issue an execution against the property of the defendant for said forfeiture and costs. (1960 Code Sec. 15.04. (2)).

1.08.040 Offenses – Separate Days. Each day on which a violation of the following sections or chapters occurs or continues shall be deemed a separate offense:

ISSUANCE OF CITATIONS FOR VIOLATIONS OF CITY ORDINANCES

Sections:

1.10.010	Purpose and Authority
1.10.020	Form of Citation
1.10.030	Schedule of Deposits
1.10.040	Issuance of Citations
1.10.050	Relationship to Other Laws
1.10.060	Severability

1.10.010 Purpose and Authority. The purpose of this Ordinance is to authorize the Common Council of the City of Whitehall, or its designees, to issue citations for violations of the City of Whitehall Code of Ordinances, including Ordinances with Statutory Counterparts. This Ordinance provides the authority and elects to use a citation method of enforcement of violations to the Code of Ordinances, including statutory counterparts. Specific authority to adopt this Ordinance is given under S. 66.0113, Wis. Stats.

1.10.020 Form of Citation. The citation shall conform to S. 66.0113 (1)(a) and (b), Wis. Stats.

1.10.030 Schedule of Deposits. As per the following Ordinances:

- 1.08.010 General Penalties \$1 to \$500 plus court costs
- 1.08.020 General Penalties \$10 to \$1,000 plus court costs
- 5.04.141 Penalty For Persons in Licensed Premise After Hours \$25 to \$50 plus court costs
- 5.28.040 Penalties for Violations – Special Adult Entertainment License \$1,000 plus court costs
- 8.12.043 Penalties Imposed on Owner of Dogs/Domesticated Pets Causing Damage \$50 to \$500 plus court costs
- 8.12.050 Penalty for Running At Large \$25 to \$50 plus court costs
- 8.12.051 Noisy Dogs Prohibited \$25 to \$50 plus court costs
- 8.12.080 Impounding of Animals \$5 to \$25 plus court costs
- 8.12.061 Kennel License Required \$10 to \$200 plus court costs
- 8.12.090 Animal Excreta \$15 plus court costs
- 8.16.090 Violations Dangerous Dog Ordinance \$200 to \$1,000 plus court costs
- 9.08.110 Curfew \$25 to \$250 plus court costs
- 9.08.130 Consumption of Alcoholic Beverages on Streets \$20 to \$100 plus court costs

9.08.140 Possession or Purchase of Cigarettes or Tobacco Products by Persons under 18 \$10 plus court costs
9.16.010 Littering \$50 plus court costs
9.36.030 Shoplifting \$500 plus court costs
9.04.050 Trespassing at City Center \$25 to \$250 plus court costs
10.04.085 Penalty – Abandoned Vehicles \$20 plus court costs
10.04.103 Uniform Traffic Offenses \$10 to \$200 plus court costs
10.36.040 Penalties – Snowmobiles \$50 to \$200 plus court costs
10.38.050 Penalties – All Terrain Vehicles \$50 to \$200 plus court costs
10.44.120 Penalties – In-Line Skates and Roller Devices \$25 to \$50 plus court costs
11.08.030 Penalties – Animals in Parks \$5 to \$25 plus court costs
12.24.010 Snow and Ice Removal \$50 plus court costs
13.12.010 Trash Burning Prohibited \$50 plus court costs
13.12.015 Campfires – Outdoor Burning Restricted \$50 plus court costs
13.12.020 Accumulations of Trash \$100 plus court costs
13.13.050 Penalties – Solid Waste \$25 to \$200 plus court costs
13.15.183 Recycling violations \$10 to \$100 plus court costs
14.16.060 Fair Housing Violations \$100 to \$1,000 plus court costs
14.20.070 Penalties – Uniform Numbering System \$2 to \$200 plus court costs
17.04.307 Penalties – Zoning \$10 to \$500 plus court costs
17.06.090 Penalties – Flood Zoning \$10 to \$500 plus court costs
17.08.070 Penalties – Wetland Zoning \$10 to \$500 plus court costs

1.10.040 Issuance of Citations. The issuance of citations are hereby authorized to be given by any member of the Common Council, Law Enforcement Officer, the Fire Chief or any other designee given Council approval.

1.10.050 Relationship to Other Laws. Adoption of this Ordinance does not preclude the Common Council from adopting any other Ordinance or providing for enforcement of any other law or Ordinance relation to the same or other matter. The issuance of a citation hereunder, shall not prohibit the City or any authorized officer from proceeding under any other Ordinance or law or by any other enforcement method to enforce any Ordinance, regulation or code.

1.10.060 Severability. If any provision of this Ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this Ordinance that can be given effect without the invalid provisions of application, and to this end, the provisions of this Ordinance are severable.

Adopted November 8, 2005.

Chapter 1.12

RIGHT OF ENTRY

Sections:

1.12.010 Right of Entry

1.12.010 Right of Entry. The City and its authorized representatives and appointed officials shall have authority to enter at all reasonable times upon any private or public property for the purpose of inspection and investigating to ascertain possible violations of this Code or of regulations thereunder, in accordance with constitutional limitations. (1972 Code 1.12.010)

Chapter 1.16

RULES OF CONSTRUCTION

Sections:

- 1.16.010 Gender – Singular and plural
- 1.16.020 Person
- 1.16.030 Acts by Agents
- 1.16.040 Conflict of Provisions
- 1.16.050 Separability of Code Provisions

1.16.010 Gender – Singular and Plural. Every word in this code and in any ordinance importing the masculine gender may extend and be applied to females as well as males, and every word importing the singular number only may extend and be applied to several persons or things as well as to one person or thing; provided that these rules of construction shall not be applied to any provisions which shall contain any express language excluding such construction or when the subject matter context of such construction or when the subject matter context of such provisions may be repugnant thereto. (1960 Code, Sec. 15.01 (2)).

1.16.020 Person. The word “person” extends and applies to natural persons, firms, corporations, associations, partnerships, or other bodies politic and all entities of any kind capable of being sued unless plainly inapplicable. (1960 Code, Sec. 15.01 (3)).

1.16.030 Acts by 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 requisition shall be construed to include all such acts when done by an authorized agent. (1960 Code, Sec. 15.01 (4)).

1.16.040 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. (1960 Code, Sec. 15.02 (1)).

1.16.050 Separability of Code Provisions. If any section, subsection, sentence, clause or phrase 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 section, sentence, clause or phrase or portion thereof. The Mayor and common Council of the City of Whitehall hereby declare that they 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 thereof may be declared invalid or unconstitutional. (1960 Code, Sec. 15.02 (2)).

Chapter 1.20

ADOPTION OR ORDINANCES AMENDING CODE

Sections:

- 1.20.010 Citation to Lode.
- 1.20.020 Style of Ordinances
- 1.20.030 Filing of Ordinances
- 1.20.040 Procedure – Passage of Ordinance

1.20.010 Citation to Lode. These ordinances shall be known as the “Whitehall Municipal Code” and shall take effect from and after passage and publication as posting. All references thereto shall be cited by section number (example: S 13.04.010, Whitehall Municipal Code). (1960 Code, Sec. 15.07)

1.20.020 Style of Ordinances. All general ordinances hereafter enacted by the common Council of the City of Whitehall shall be numbered in accordance with the system herein established. A decimal number shall be assigned to each ordinance and shall indicate the appropriate section, chapter, and title under which the amendment shall be filed. (1960 Code, Sec. 15.08)

1.20.030 Filing of Ordinances. The City Clerk shall certify one copy of this code as the original “Whitehall Municipal Code” and shall file the same as part of this code at section 1.04.010. The original code shall then be retained by the City Attorney in his office and conformed copy shall be retained by the City Clerk at his office. All copies of the Code shall be retained by the city clerk at his office. All copies of the Code shall be in current form. (1960 Code, Sec. 15.09)

1.20.040 Procedure – Passage of Ordinance. Whenever any ordinance amending, repealing, revising or creating any section of this code is adopted by the Common Council, the clerk, after recording such ordinance in the Ordinance book, shall cause copies of such ordinance to be reproduced on supplemental sheets in proper form for insertion in the municipal code and shall insert such ordinances in all copies of this code in his possession except the aforementioned original copy. The Clerk shall make such supplemental sheets available (at cost and at a fee specified by the Common Council) to all persons requesting the same. The City Attorney shall be responsible for maintaining the original copy of the Whitehall Municipal Code. (1960 Code, Sec. 15.09)

Chapter 1.24

REPEAL OF GENERAL ORDINANCES

Sections:

1.24.010	Ordinances Not Repealed
1.24.040	Effect of Repeals – Vested Rights
1.24.050	Effect of Repeals – Offenses – Prior Commission
1.24.060	Effect of Repeals – Prosecution of Offense

1.24.010 Ordinances Not Repealed. All ordinances heretofore adopted by the common council of the city of Whitehall 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:

The issuance of corporate bonds and notes of the City of Whitehall of whatever the name or description.

The establishment of grades, curb lines, and widths of sidewalks in the public streets and alleys.

The fixing of salaries of public officials and employees.

Rights, licenses or franchises or the creation of any contract with the City of Whitehall.

The lighting of streets and alleys.

The annexation of territory to the City of Whitehall.

The naming and changing of names of streets, alleys, public grounds and parks.

The letting of contracts without bids.

Tax and special assessment levies.

Release of persons, firms, or corporations from liability.

Construction of any public works.

Water, Sewer and Electric rates, rules and regulations and sewer and water main construction.

Budget ordinances, resolutions and actions.

(1960 Code, Sec. 15.05)

1.24.040 Effect of Repeals – Offenses – Vested Rights. Affect any vested right, privilege, obligation or liability acquired, accrued or incurred under any enactment so repealed or amended, unless the privilege of repealing such obligation or privilege has been reserved by the City. (1960 Code, Sec. 15.06(2)).

1.24.050 Effect of Repeals – Offenses- Prior Commission. Affect any offense committed or penalty or forfeiture incurred, previous to the time when any ordinance shall be repealed or amended, except that when any forfeiture or penalty shall have been mitigated by the provisions of any ordinance, such provisions shall apply to and control any judgment to be pronounced after such ordinance takes effect for any offense committed before that time. (1960 Code, Sec. 15.06(3))

1.24.060 Effect of Repeals – Prosecution of Offense. Affect any prosecution for any offense, or the levy of any penalty or forfeiture pending at the time when any ordinance aforesaid shall be repealed or amended, but the right of action shall continue and the offender shall be subject to the penalty as provided in such ordinances, and such prosecution shall proceed, in all respects, as if such ordinance or ordinances had not been repealed, except that all such proceedings had after the time this code shall take effect, shall be conducted according to the provisions of this code, and shall be in all respects, subject to the provisions of this code. (1960 Code, Sec. 15.06(4))

Chapter 1.28

STATUTES AND CODES ADOPTED BY REFERENCE

Sections:

- 1.28.010 Reference to Wisconsin Statutes
- 1.28.020 Documents Incorporated by Reference
- 1.28.030 Documents Incorporated by Reference – Listing

1.28.010 Reference to Wisconsin Statutes. All references to Wisconsin Statutes shall be to the most recent Wisconsin Statutes as published by the State of Wisconsin unless otherwise noted. The Common Council hereby adopts those statutes by reference as they may apply to the Whitehall Municipal Code unless particular exception is made by ordinance adopted by the Common Council. (1960 Code, Sec. 15.01 (1))

1.28.020 Documents Incorporated by Reference. Whenever in this code any standard, code, rule, regulation, or other written or printed matter, other than the Wisconsin Statutes or sections of this code, are adopted by reference, they shall be deemed incorporated in this code as if fully set forth herein and the City Clerk is hereby directed and required to 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 person during the Clerk's office hours, subject to such orders or regulations which the Clerk may prescribe for their preservation. (1960 Code, Sec. 15.03)

1.28.030 Documents Incorporated By Reference – Listing. A current listing of all documents incorporated by reference shall be maintained in the Whitehall Municipal Code as an appendix thereto. (1972 Code 1.28.030)