

CHAPTER I.
GENERAL PROVISIONS

SECTION 1.00. Town of Wheatland Code.

1.01. Title. This code of ordinances shall be known and cited as the "Town of Wheatland Code of Ordinances".

1.02. Amendments. Any additions or amendements to this code, when passed in such form as to indicate the intention of the Town Board of the Town of Wheatland to make the same a part of this code, are incorporated in this code, so that a reference to the Town of Wheatland Code of Ordinances shall be understood as including them.

1.03. Numbering of Sections. Each section number of this code shall consist of two component parts, separated by a period referring to the chapter number and the figure after the period referring to the position of the section within the chapter.

1.04. Additions. The decimal system shall be used for additions or amendments to these ordinances. When a chapter or section is added, the new chapter or section shall be given a decimal character.

SECTION 1.10. Terms and Definitions.

1.11. Statutory Terms. Terms used in this code, unless otherwise specifically defined in this code, shall have the meanings prescribed by the statutes of the State of Wisconsin for the same terms.

1.12. Person. A person is defined as any individual, firm, copartnership, corporation, company, association, club, joint adventure, estate, trust or any club or combination acting as a unit, and the individuals constituting such group or unit, and the plural as well as the singular number; and the singular masculine pronoun includes the feminine neuter and plural; unless the intention to give a more limited meaning is disclosed by the context.

1.13. Town. Town shall refer to the Town of Wheatland, Kenosha County, Wisconsin.

SECTION 1.20. Repeal of Ordinances. All ordinances heretofore adopted by the town of Wheatland of a general nature, and relating to the subject matter herein contained, are repealed. The provisions of this code, so far as they are the same in substance as those of heretofore existing ordinances, shall be construed as a continuation of such ordinances, and not as new enactment. Any act done, offense committed or right accruing, accrued or acquired, or liability, penalty, forfeiture or punishment incurred prior to the time of such repeal, shall not be affected by such repeal, but the same may be enjoyed, asserted, enforced,

prosecuted or inflicted as fully and to the same extent as if such repeal had not been effected.

SECTION 1.30. Ordinances not Re-enacted. No ordinance or part of any ordinance previously repealed shall be considered reordained or re-enacted by virtue of this code, unless specifically re-enacted. The repeal of any curative or validating ordinance shall not impair or affect any cure or validation already effected thereby.

SECTION 1.40. Penalties.

1.41. Standard Penalty. Unless another penalty is expressly provided by this code for any particular provision or section, every person convicted of a violation of any provision of this code, or any rule or regulation adopted or issued in pursuance thereof, or any provision of any code adopted herein by reference, shall be punished by a forfeiture of not more than \$200 and the costs of prosecution. Each act of violation, and every day of any such violation shall constitute a separate offense.

1.42. Applicability. The penalty provided by this section shall apply to the amendment of any section of this code or any code adopted herein by reference whether or not such penalty is re-enacted in the amendatory ordinance.

1.43. Reference to Sections. Reference to any section of these ordinances shall be understood also to refer to and include the penalty section relating thereto, unless otherwise expressly provided.

1.44. Separability of Provisions. It is the intention of the Town Board of the Town of Wheatland that each section, paragraph, sentence, clause, and provision of this code is separable, and if any provision shall be held unconstitutional or invalid for any reason, such decision shall not affect the remainder of this code, nor any part thereof, other than that affected by such decision.

SECTION 1.50. Statutory Authority. Pursuant to Section 66.119 of Wisconsin Statutes, the Town Board of the Town of Wheatland, Kenosha County, Wisconsin, hereby elects to use the citation method of enforcement of town ordinances described herein, other than those for which a statutory counterpart exists.

1.51 Form of Citation. The citation shall contain the following:

- a. The name and address of the alleged violator;
- b. The factual allegations describing the alleged violation;
- c. The time and place of the offense;

- d. The section of the Code violated;
- e. A designation of the offense in such as can readily be understood by a person making a reasonable effort to do so;
- f. The time at which the alleged violator may appear in court;
- g. A statement which in essence informs the alleged violator:
 - 1. That a cash deposit based on the schedule established by this ordinance may be made prior to the time of the scheduled court appearance.
 - 2. That if a deposit is made, no appearance in court is necessary unless he is subsequently summoned.
 - 3. That if a cash deposit is made and the alleged violator does not appear in court, he will be deemed to have entered a plea of no contest, a summons will be issued commanding him to appear in court to answer the complaint.
 - 4. 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.
- h. 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 statement required under "g" above has been read. such statement shall be sent or brought with the cash deposit;
- i. Such other information as the Town deems necessary.

1.52. Schedule of Deposits. The schedule of cash deposits for use with citations issued under this ordinance shall be established by Resolution of the Town Board from time to time. Deposits shall be made in cash, money order or certified check to the Clerk of Circuit Court, who shall provide a receipt therefor.

1.53. Issuance of Citations. The following town officials may issue citations with respect to those specified ordinances which are directly related to their official responsibilities:

<u>ORDINANCE TITLE</u>	<u>ENFORCEMENT OFFICIAL</u>
Building Code Ordinance	Building Inspector
All Other	Town Chairman Town Supervisors Constable County Sheriff's Deputies

1.54. Procedure. Section 66.119(3) Wisconsin Statutes relating to violator's options and procedures on default is hereby adopted and incorporated by reference.

1.55. Nonexclusivity.

- a. Other Ordinance. Adption of this ordinance 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.
- b. Other Remedies. The issuance of a citation hereunder shall not preclude the Town Board or any authorized office from proceeding under any other ordinance or law or by any other enforcement method to enforce any ordinance, regulation or order.

1.56 Rules of Order.

- a. General Rules. The deliberations of the Board shall be conducted in accordance with the parliamentary rules contained in ROBERT'S RULES OF ORDER, NEWLY REVISED, except as otherwise provided herein.
- b. Addressing Board. Except under "CITIZENS COMMENT" or a duly noticed public hearing, no person other than a member shall address the Board except by recognition of the Chairperson or upon request of a Board member with the Board's consent.
- c. Discussion And Withdrawal of Motions. No ordinance, resolution or other motion shall be discussed unless it has been moved and seconded. No motion shall be withdrawn without the consent of the person making the same and the person seconding it. No ordinance shall be adopted unless it receives a first and second reading, unless waived.
- d. Members to Vote. Every member shall vote when a question is put, unless the Board shall excuse him or her. The Chairperson, who is by virtue of his or her office a Board member, is entitled to vote on every issue. The Clerk shall call the names of the members of the Board in alphabetical order on the roll call votes. Roll call votes may be requested by any member prior to the vote.

- e. Precedence of Motions. When a question is in debate, no action shall be in order except the following motions which shall have precedence in the order in which they stand:
1. To adjourn.
 2. To lay on the table.
 3. The previous question.
 4. To postpone to a certain date.
 5. To refer to a standing, select or special committee.
 6. To amend.
 7. To postpone indefinitely.
- f. Reconsideration of Votes. Any member in the majority may move for the reconsideration of any vote in question at the same meeting. A motion to reconsider being put and lost shall not be renewed.
- g. Call For The Previous Question. Any member desirous of terminating the debate may call the previous question when the question announced by the chair shall be "shall the main question be put?" If a majority of the members present vote in the affirmative, the main question shall be put without further debate, and its effect shall be to put an end to all debate and bring the Board to a direct vote, first upon the pending amendment, and then upon the main question.
- h. Suspension of Rules. These rules or any part thereof may be temporarily suspended in connection with any matter under consideration by a recorded vote of 2/3 of the members present.

SECTION 1.60. Appointment of Town Clerk and Town Treasurer.

1.61 That, pursuant to §60.30(1e)(a), Wis. Stats., the offices of the Town Clerk and Town Treasurer each shall be filled by appointment of a majority of the members-elect of the Town Board.

1.62 The term of office for each of the appointed position(s) shall be set by the Town Board, but may not exceed three (3) years per §60.30(1e)(c), Wis. Stats. The Town Board may re-appoint the officer(s) for additional terms. However, removal by the Town Board during a given term of office may only be for "cause" as defined under §17.001, Wis. Stats., and required by §60.30(1e)(f), Wis. Stats.

1.63 This ordinance is subject to approval by the Town electors in a referendum, which is hereby called by the Town Board to be held on April 5, 2022. The referendum question(s) shall be:

“Shall the person holding the office of Town Clerk in the Town of Wheatland be appointed by the Town Board? _____yes _____no”

“Shall the person holding the office of Town Treasurer in the Town of Wheatland be appointed by the Town Board? _____yes _____no”

1.64 The salary of the appointed position(s) shall be set by the Town Board and may not be reduced during the term of office.

1.65 This ordinance shall be in full force and effect from and after the date of its Town Board passage, notice after passage per §60.80, Wis. Stats., and also its referendum approval by the Town electors as required by §60.30(1e)(b), Wis. Stats.