CHAPTER 20

GENERAL PROVISIONS

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20.01 RULES OF CONSTRUCTION. In the construction of this Code of general ordinances, the following rules shall be observed, unless such construction would be inconsistent with the manifest intent of the ordinances:

(1) WISCONSIN STATUTES. The term "Wisconsin Statutes" or "Wis. Stats.," wherever used in this Code, shall mean the current Wisconsin Statutes; the term shall also include the current session laws not yet printed in statute form.

(2) 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 or context of such provisions may be repugnant thereto.

(3) 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.

(4) 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.

20.02 CONFLICT AND SEPARABILITY (1) CONFLICT OF CODE 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 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, subsection, sentence, clause or phrase, or portion thereof. The Town Board of the Town of Beecher hereby declares 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,

20.03 TOWN CLERK TO FILE 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 other sections of this Code, are adopted by reference, they shall be deemed incorporated in this Code as if fully set forth herein and the Town 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 by appointment with the Clerk, subject to such orders or regulations which the Clerk may prescribe for their preservation.

20.04 PENALTY PROVISIONS. (1) GENERAL PENALTY. Except as provided in sub. (2) below, whenever so provided in this Code, any person who shall violate any of the provisions of this 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 this Code subject to a penalty, except for parking violations, shall, upon conviction thereof, forfeit not less than $1.00 nor more than $200, together with the costs of prosecution and, in default of payment of such forfeiture and costs of prosecution, shall be imprisoned in the County Jail until said forfeiture and costs are paid, but not exceeding 90 days.

(b) *Second Offense, Penalty.* Any person found guilty of violating 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 nor more than $200 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 County Jail until said forfeiture and costs of prosecution are paid, but not to exceed 6 months.

(2) PENALTY FOR MINORS. In the event proceedings are commenced against children aged 16 or older for violations of ch. 7 of this Code, or children 14 years of age or older for other violations of this Code, except ch. 7, the provisions of §§938.17, 938.27, 48.37, 938.343 and 938.344, Wis. Stats., shall be applicable.

(3) CONTINUED VIOLATIONS, Each violation and each day a violation continues or occurs shall constitute a separate offense. Nothing in this Code shall preclude the Town from maintaining any appropriate action to prevent or remove a violation of any provision of this Code.

(4) 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 ordinance of the Town, 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.

20.05 REPEAL OF GENERAL ORDINANCES. All ordinances heretofore adopted by the Town Board of the Town of Beecher 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.

(3) The fixing of salaries of public officials and employes.

(4) Rights, licenses or franchises or the creation of any contract with the Town.

(5) The lighting of streets.

(6) The naming and changing of names of streets, public grounds and parks.

(7) The letting of contracts without bids,

(8) Tax and special assessment levies,

(9) Release of persons from liability,

(10) Construction of any public works.

(11) Budget ordinances, resolutions and actions,

20.06 EFFECT OF REPEALS, The repeal or amendment of any section or provision of this Code or of any other ordinance or resolution of the Town Board shall not:

(1) By implication be deemed to revive any ordinance not in force or existing at the time at which such repeal or amendment takes effect.

(2) 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 Town,

(3) 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.

(4) 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.

20.07 TITLE: EFFECTIVE DATE: CITATION, These ordinances shall be known as the "Town of Beecher Code of Ordinances" and shall take effect from and after passage and publication as provided in §66.0103, Wis. Stats. All references thereto shall be cited by section number (example: sec. 13.06, Town of Beecher Code of Ordinances).

20.08 KEEPING CODE CURRENT; REVISOR'S AMENDMENTS. As each ordinance or resolution affecting this Code becomes effective, the Town Clerk shall cause such ordinances or resolutions to be incorporated into the Code. The Revisor shall make no substantive changes to such ordinances and resolutions, but may renumber, rearrange and edit them to bring them into conformance with the Code; such rearranging, renumbering and editing shall not affect the validity of such ordinances and resolutions or the provisions of this Code affected thereby.

Towns of Beecher and Pembine Joint Resolution

Marinette County, Wisconsin

Resolution No. 21-001

WHEREAS, the Towns of Beecher and Pembine have a history of working cooperatively to provide cost efficient and effective services to their residents; and

WHEREAS, both Towns provide snow removal and road treatment services during the winter months, and incur expenses including the purchase of road salt and the cost of transporting such road salt; and

WHEREAS, the Towns wish to combine their resources and share the expense of building and operating a salt storage facility; and

THEREFORE, the Town Boards of both Beecher and Pembine authorize the building of a salt storage facility on land owned by the Town of Pembine, such salt storage facility will be jointly owned and operated by the Towns of Beecher and Pembine. Each Town will share equally in the cost and operation of the facility.

Approved this 13th day of July, 2021

Michael Younglove, Beecher Town Chairman

Attested by:

Cindy Butterfield, Beecher Clerk

Ross Bole, Pembine Town Chairman

Attested by:

Suzanne Allen, Pembine Clerk/Treasurer