

# Title 1 General Provisions for Use and Code of Ordinances

## Chapter 01 Use and Construction of Code of Ordinances

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### Division 1 Authority

#### 1.01.11 Title of Code; Citation

- A. These collected Ordinances shall be known and referred to as the "Code of Ordinances, City of Onalaska, Wisconsin." References to the Code of Ordinances, City of Onalaska, Wisconsin, shall be cited using a Title, Division, Section breakdown as follows: "Sec. 1.01.11, Code of Ordinances, City of Onalaska, Wisconsin." This Code may also be referred to by the shortened title "Onalaska Code."

#### 1.01.12 Principles of Construction

- A. The following rules or meanings shall be applied in the construction and interpretation of ordinances codified in this Code of Ordinances unless such application would be clearly inconsistent with the plain meaning or intent of the ordinances:
1. **Acts by Agents.** When an ordinance requires an act be done by a person, who 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.
  2. **City.** The City of Onalaska, La Crosse County, Wisconsin.
  3. **Code and Code of Ordinances.** The words "Codes," "Municipal Code" and "Code of Ordinances" when used in any section of this Code shall refer to this Code of Ordinances of the City of Onalaska unless the context of the section clearly indicates otherwise.
  4. **Computation of Time.** 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. 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 and any other City holiday designated by the Common Council.
  5. **County.** The County of La Crosse, Wisconsin.
  6. **Delegation of Authority.** Whenever a provision appears requiring the head of a department or some other City officer or employee to do some act or perform some duty, it shall be construed to authorize the head of the department or other officer or employee to designate, delegate and authorize subordinates to perform the duty unless the terms of the provision or section specify otherwise.
  7. **Fine.** The equivalent of the word "forfeiture," and vice versa.
  8. **General Rule.** All words and phrases shall be construed according 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.
  9. **Joint Authority.** All words purporting to give a joint authority to three (3) or more City officers or employees shall be construed as giving such authority to a majority of such officers or other persons.
  10. **Person.** Any of the following entities: natural persons, corporations, partnerships, associations, bodies politic or any other entity of any kind which is capable of being sued.
  11. **Repeal.** 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.
  12. **Singular and Plural.** Every word referring to 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 provisions which shall contain any express language excluding such construction or when the subject matter or context of such provisions may be in conflict thereto.
  13. **Tense.** The use of any verb in the present tense shall not preclude the interpretation of the verb in the future tense where appropriate.
  14. **Wisconsin Statutes.** The term "Wisconsin Statutes" and its abbreviation as "Wis. Stats." shall mean, in these Ordinances, the Wisconsin Statutes as of the adoption of this Code, as amended or renumbered from time to time.
  15. **Wisconsin Administrative Code.** The term "Wisconsin Administrative Code" and its abbreviation as "Wis. Adm. Code" shall mean the Wisconsin Administrative Code as of the adoption of this Code, as amended or renumbered from time to time.

### 1.01.13 Conflict of Provisions

- A. If the provisions of different chapters conflict with each other, the provisions of each chapter shall control as to all matters and questions arising out of the subject matter of such 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.

### 1.01.14 Severability

- A. If any provision of this Code of Ordinances 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 these Ordinances.

### 1.01.15 Effective Date of Ordinances

- A. **Code of Ordinances.** The Code of Ordinances, City of Onalaska, Wisconsin, shall take effect from and after passage and publication as provided by state law.
- B. **Subsequent Ordinances.** All Ordinances passed by the Common Council subsequent to the adoption of the Code of Ordinances, except when otherwise specifically provided, shall take effect from and after their publication.

### 1.01.16 Repeal of General Ordinances

- A. **Ordinances Repealed.** All general Ordinances heretofore adopted by the Common Council are hereby repealed. This shall not include any Ordinances or parts of Ordinances or resolutions relating to the following subjects and not conflicting with the provisions of this Code, except that some of the following provisions may be amended by this Code of Ordinances:
  - 1. Any offense or act committed or done or any penalty or forfeiture incurred or any contract or right established or accruing before the effective date of this ordinance;
  - 2. Any ordinance or resolution promising or guaranteeing the payment of money for the City, or any contract or obligations assumed by the City;
  - 3. The administrative Ordinances or resolutions of the City not in conflict or inconsistent with the provisions of the Code;
  - 4. Any appropriation ordinance or resolution;
  - 5. Any right or franchise granted by the Common Council to any person, firm or corporation;
  - 6. Any ordinance or resolution dedicating, naming, establishing, locating, relocating, opening, closing, paving, widening, vacating, etc., any street or public way in the City;
  - 7. Any ordinance or resolution establishing or prescribing the street grades of any streets in the City;
  - 8. Any ordinance or resolution providing for local improvements or assessing taxes or special assessments therefor;
  - 9. Any ordinance or resolution dedicating or accepting any plat or subdivision in the City;
  - 10. Any ordinance annexing property to the City;
  - 11. Any ordinance or resolution regulating the erection, alteration, repair, maintenance, demolition, moving or removal of buildings or other structures;
  - 12. Unified Development Code and Building Codes.
  - 13. Charter ordinances.
  - 14. The issuance of corporate bonds and notes of the City of whatever name or description.
  - 15. Water and sewer rates, rules and regulations and sewer and water main construction.
- B. **Effect of Repeals.** The repeal or amendment of any provision of this Code or of any other Ordinance or resolution of the Common Council shall not:
  - 1. Affect any rights, privileges, obligations or liabilities which were acquired or incurred or which had accrued under the repealed or amended provision, unless the City has expressly reserved the right to revoke such right, privilege, obligation or liability.
  - 2. Affect any offense, penalty or forfeiture, or prosecution for any offense, or levy of any penalty or forfeiture which has arisen prior to the repeal or amendment of the relevant provision of any ordinance or resolution. The preceding sentence shall not preclude the application of a lesser penalty or forfeiture if the new amending or repealing provision contains such a lesser penalty or forfeiture. The procedure for prosecution of any violations of Ordinances repealed or amended shall be conducted according to the procedure set forth in the new amending or repealing provision or other procedure currently in effect.

### 1.01.17 General Penalty

- A. **General Penalty.** Except where a penalty is provided elsewhere in this Code, any person over the age of eighteen (18) years 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: Any person, upon conviction for violating any provision of this Code for which another penalty is not provided, may be required to forfeit not more than Two Thousand Dollars (\$2,000.00).

1. **First Offense - Penalty.** Any person over the age of eighteen (18) years who shall violate any provision of this Code shall, upon conviction thereof, forfeit not less than Ten Dollars (\$10.00) nor more than Five Hundred Dollars (\$500.00), together with all costs, surcharges, penalty assessments, and any other taxable item of cost as provided for by the laws of the State of Wisconsin as applicable to forfeiture actions that are in effect at the time of the offense, and any other taxable costs as imposed by any other provision of this code. In default of payment of such forfeiture and costs may have their driving privilege suspended per Sec. 345.45(1)(b), Wis. Stats., or be imprisoned in the County Jail until such forfeiture and costs are paid or both, but not exceeding six (6) months.
  2. **Second and Subsequent Offenses - Penalty.** Any person over the age of eighteen (18) years who is found guilty of violating any ordinance or part of an ordinance of this Code who has previously been convicted of a violation of the same ordinance or part of an ordinance within three (3) years from the date of the last offense to the date of the current offense shall, upon conviction thereof, forfeit not less than Fifty Dollars (\$50.00) nor more than One Thousand Dollars (\$1,000.00) for each such offense, together with all costs, surcharges, penalty assessments, and any other taxable item of cost as provided for by the laws of the State of Wisconsin as applicable to forfeiture actions that are in effect at the time of the offense, and any other taxable costs as imposed by any other provision of this Code. In default of payment of such forfeiture and costs may have their driving privilege suspended per Sec. 345.47(1)(b), Wis. Stats., or be imprisoned in the County Jail until such forfeiture and costs are paid or both, but not exceeding six (6) months.
- B. **Continued Violations.** Each violation and each day a violation continues or occurs shall constitute a separate offense. Nothing in this Code shall preclude the City from maintaining any appropriate action to prevent or remove a violation of any provision of this Code.
- C. **Other Remedies.**
1. The City shall have any and all other remedies afforded by the Wisconsin Statutes in addition to the forfeitures and costs of prosecution above.
  2. Execution or assessment against defendant's property. Whenever any person fails to pay a forfeiture and costs of prosecution upon the order of any court for violation of any ordinance 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. In the alternative, upon authorization of the court imposing any such forfeiture and costs, such sum as remains unpaid shall be assessed against any real property owned by the defendant within the City and shall be added to the City's portion of the property tax liability.
  3. In addition to any forfeiture imposed under this Section or any other penalty section of the Code of Ordinances of the City of Onalaska, the City may institute an action or proceeding to enjoin any violation; and such violation or any nonpayment of any forfeiture and costs shall constitute the basis for revocation or denial of any and all licenses and permits wherein the City is the issuing authority.
- D. **Time to Pay.** Any forfeiture and costs imposed as a penalty pursuant to this Section or any penalty provisions of this Code shall be payable forthwith if so ordered by the court; however, the court may, in its discretion, allow reasonable time for payment, or reasonable payment plans, considering the defendant's ability to pay, and the court shall allow any time for payment or payment plan as provided for by any state law applicable at the time of imposition of the forfeiture.
- E. **Alternative Juvenile Dispositions and Sanctions.**
1. For a juvenile adjudged to have violated an Ordinance, the Court is authorized to impose any of the dispositions listed in Secs. 938.343 and 938.344 Wis. Stats., in accordance with the provisions of those Statutes, as amended from time to time.
  2. For a juvenile who violates a condition of a dispositional order of the Court under Secs. 938.343 or 938.344, the Court is authorized to impose any of the sanctions listed in Sec. 938.355(6)(d) Wis. Stats. in accordance with the provisions of those Statutes, as amended from time to time.
  3. This section is enacted under the authority of Sec. 938.17(2)(cm) Wis. Stats.

#### **1.01.18 City Clerk to Maintain Copies of Documents Incorporated by Reference**

- A. 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 the City Clerk shall maintain in their office a copy of any such material as adopted and as amended from time to time. Materials on file in the office of the City Clerk shall be considered public records open to reasonable examination by any person during the office hours subject to such restrictions on examination as the City Clerk imposes for the preservation of the material.

### 1.01.19 City of Onalaska Fee Schedule

- A. There shall be a City of Onalaska Fee Schedule approved at a minimum annually by the Common Council which shall set forth all of the fees charged by the City of Onalaska.

## Chapter 02 Enforcement of Ordinances; Issuance of Citations

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### Division 1 Enforcement

#### 1.02.11 Method of Enforcement

- A. The City of Onalaska hereby elects to use the citation method of enforcement of ordinances. All City officers and other city personnel charged with responsibility of enforcing the provisions of this Code of Ordinances are hereby authorized pursuant to Sec. 66.0113, Wis. Stats., to issue citations for violations of this Code of Ordinances, including ordinances for which a statutory counterpart exists.

#### 1.02.12 Citations

- A. Enforcement proceedings under this Code in Municipal Court may be initiated by the use of a complaint or citation as authorized by Sec. 800.02, Wis. Stats. In addition to peace officers, the Zoning Administrator, Fire Chief, Building Inspectors, City Engineer and City Attorney as well as designated employees under their supervision, are authorized to issue citations for violations of the Municipal Code which are directly related to their official responsibilities.

#### 1.02.13 Schedule of Deposits

- A. The schedule of cash deposits shall be established for use with citations issued under this Chapter by the Common Council according to the penalty provision of this Code.
- B. Deposits shall be made in cash, money order or certified check to the City Treasurer's office which shall provide a receipt therefor.

#### 1.02.14 Procedure

- A. Section 66.119(3), Wis. Stats., relating to violator's options and procedure on default, is hereby adopted and incorporated herein by reference.

#### 1.02.15 Non-Exclusivity

- A. **Other Ordinance.** Adoption of this Chapter does not preclude the Common Council 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 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 order.

## Chapter 03 City Logo

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### Division 1 Form and Use of City Logo

#### 1.03.11 Form of Official City Logo

- A. The City of Onalaska has adopted the logo set forth below as its official city logo (the "Official City Logo") depicted below is a stylized portrayal of the sun, water (lake), cattails, sunfish and sky (air). The words "Onalaska Wisconsin Est. 1851" are integrated into the design. This Official City Logo shall be used by the City of Onalaska and its departments only in their official capacity and shall not be used by others.



### **1.03.12 Use of Official City Logo**

- A. The Common Council finds that the Official City Logo as set forth herein above is a symbol of the authority and jurisdiction of the City, and as such, are valuable assets of the City and its citizens. The Common Council desires to insure that only appropriate uses are made of the Official City Logo.
- B. The Official City Logo may not be used by individuals, groups or organizations other than the City.
- C. No person shall use a symbol that imitates the Official City Logo or that is deceptively similar in appearance to the Official City Logo.

### **1.03.13 Violation**

- A. Any person who violates this Chapter is deemed to have committed a civil infraction as set forth in Chapter 1.01.17 of the Code of Ordinances and shall be punishable by a penalty of up to Five Hundred Dollars (\$500.00) for each violation. Each day a violation continues shall be deemed to be a separate violation. The City's right to prosecute under this Section shall not affect its rights to pursue civil or injunctive relief under federal or state laws, or any other relief available under the law.