

Ordinance No. _____

AN ORDINANCE TO REVISE AND CONSOLIDATE, AMEND, SUPPLEMENT AND CODIFY THE GENERAL ORDINANCES OF THE VILLAGE OF WINNECONNE

The Village Board of the Village of Winneconne does hereby ordain as follows:

§ 1-5. Adoption of Code.

Pursuant to § 66.0103, Wis. Stats., the ordinances of the Village of Winneconne of a general and permanent nature adopted by the Village Board of the Village of Winneconne, as revised, codified and consolidated into chapters and sections by General Code, and consisting of Chapters 1 through 580, are hereby approved, adopted, ordained and enacted as the “Code of the Village of Winneconne,” hereinafter referred to as the “Code.”

§ 1-6. Code supersedes prior ordinances.

This ordinance and the Code shall supersede all other general and permanent ordinances enacted prior to the enactment of this Code, except such ordinances as are hereinafter expressly saved from repeal or continued in force.

§ 1-7. Continuation of existing provisions.

The provisions of the Code, insofar as they are substantively the same as those of the ordinances in force immediately prior to the enactment of the Code by this ordinance, are intended as a continuation of such ordinances and not as new enactments, and the effectiveness of such provisions shall date from the date of adoption of the prior ordinances.

§ 1-8. Copy of Code on file.

A copy of the Code has been filed in the office of the Village Clerk-Treasurer and shall remain there for use and examination by the public for at least two weeks, in accordance with § 66.0103, Wis. Stats., and until final action is taken on this ordinance, and, if this ordinance shall be adopted, such copy shall be certified to by the Village Clerk-Treasurer, and such certified copy shall remain on file in the office of said Village Clerk-Treasurer to be made available to persons desiring to examine the same during all times while said Code is in effect.

§ 1-9. Amendments to Code.

Any and all additions, deletions, amendments or supplements to the Code, when adopted in such form as to indicate the intention of the Village Board to make them a part thereof, shall be deemed to be incorporated into such Code so that reference to the “Code of the Village of Winneconne” shall be understood and intended to include such additions, deletions, amendments or supplements. Whenever such additions, deletions, amendments or supplements to the Code shall be adopted, they shall thereafter be inserted in the Code as amendments and supplements thereto.

§ 1-10. Publication; filing.

The Clerk-Treasurer of the Village of Winneconne, pursuant to law, shall cause to be published, in the manner required by law, a notice of the adoption of this ordinance. Sufficient copies of the Code shall be maintained in the office of the Clerk-Treasurer for inspection by the public at all times during regular office

hours. The publication of notice of the enactment of this ordinance, coupled with the availability of a copy of the Code for inspection by the public, shall be deemed, held and considered to be due and legal publication of all provisions of the Code for all purposes.

§ 1-11. Code to be kept up-to-date.

It shall be the duty of the Village Clerk-Treasurer, or someone authorized and directed by the Clerk-Treasurer, to keep up-to-date the certified copy of the Code required to be filed in the Clerk-Treasurer's office for use by the public. All changes in said Code and all ordinances adopted subsequent to the effective date of this codification which shall be adopted specifically as part of the Code shall, when finally adopted, be included therein by reference until such changes or new ordinances are included as supplements to said Code.

§ 1-12. Sale of Code.

Copies of the Code, or any chapter or portion of it, may be purchased from the Village Clerk-Treasurer or an authorized agent of the Clerk-Treasurer upon the payment of a fee to be set by the Village Board. The Clerk-Treasurer may also arrange for procedures for the periodic supplementation of the Code.

§ 1-13. Altering or tampering with Code; penalties for violation.

It shall be unlawful for anyone to improperly change or amend, by additions or deletions, any part or portion of the Code or to alter or tamper with such Code in any manner whatsoever which will cause the law of the Village of Winneconne to be misrepresented thereby. Anyone violating this section or any part of this ordinance shall be subject, upon conviction, to a penalty as provided in § 1-3 of the Code.

§ 1-14. Severability of Code provisions.

Each section of the Code and every part of each section is an independent section or part of a section, and the holding of any section or a part thereof to be unconstitutional, void or ineffective for any cause shall not be deemed to affect the validity or constitutionality of any other sections or parts thereof. If any provision of this Code or the application thereof to any person or circumstances is held invalid, the remainder of this Code and the application of such provision to other persons or circumstances shall not be affected thereby.

§ 1-15. Severability of ordinance provisions.

Each section of this ordinance is an independent section, and the holding of any section or part thereof to be unconstitutional, void or ineffective for any cause shall not be deemed to affect the validity or constitutionality of any other sections or parts thereof.

§ 1-16. Repealer.

- A. All ordinances or parts of ordinances inconsistent with the provisions contained in the Code adopted by this ordinance are hereby repealed; provided, however, that such repeal shall only be to the extent of such inconsistency, and any valid legislation of the Village of Winneconne which is not in conflict with the provisions of the Code shall be deemed to remain in full force and effect.
- B. Repeal of specific enactments. The Village Board of the Village of Winneconne has determined that the following ordinances are no longer in effect and hereby specifically repeals the following legislation:
 - (1) Title 7, Chapter 10, Massage Therapists and Bodyworkers, of the 2012 compilation of ordinances.

(2) Title 11, Chapter 7, Subsection D, Houses of Prostitution, of the 2012 compilation of ordinances.

§ 1-17. Ordinances saved from repeal.

The adoption of this Code and the repeal of ordinances provided for in § 1-16 of this ordinance shall not affect the following ordinances, rights and obligations, which are hereby expressly saved from repeal:

- A. Any ordinance adopted subsequent to September 18, 2018.
- B. Any right or liability established, accrued or incurred under any legislative provision prior to the effective date of this ordinance or any action or proceeding brought for the enforcement of such right or liability.
- C. Any offense or act committed or done before the effective date of this ordinance in violation of any legislative provision or any penalty, punishment or forfeiture which may result therefrom.
- D. Any prosecution, indictment, action, suit or other proceeding pending or any judgment rendered prior to the effective date of this ordinance brought pursuant to any legislative provision.
- E. Any franchise, license, right, easement or privilege heretofore granted or conferred.
- F. Any ordinance providing for the laying out, opening, altering, widening, relocating, straightening, establishing grade, changing name, improvement, acceptance or vacation of any right-of-way, easement, street, road, highway, park or other public place or any portion thereof.
- G. Any ordinance appropriating money or transferring funds, promising or guaranteeing the payment of money or authorizing the issuance and delivery of any bond or other instruments or evidence of the Village's indebtedness.
- H. Ordinances authorizing the purchase, sale, lease or transfer of property or any lawful contract or obligation.
- I. The levy or imposition of taxes, assessments or charges.
- J. The annexation or dedication of property or approval of preliminary or final subdivision plats.
- K. Ordinances providing for local improvements or assessing taxes or special assessments therefor.
- L. All currently effective ordinances pertaining to the rate and manner of payment of salaries and compensation of officers and employees.
- M. Any legislation relating to or establishing a pension plan or pension fund for municipal employees.
- N. Any ordinances adopting or amending the Zoning Map or otherwise rezoning property.
- O. Any charter ordinances.
- P. Any ordinance or portion of an ordinance establishing or amending a specific fee amount for any license, permit or service obtained from the Village.
- Q. Any ordinance or portion of an ordinance establishing or amending a deposit or bond schedule.

- R. Any ordinance or portion of an ordinance establishing or amending rates or charges for water or sewer service.

§ 1-18. Changes in previously adopted ordinances.

- A. In compiling and preparing the ordinances for publication as the Code of the Village of Winneconne, no changes in the meaning or intent of such ordinances have been made, except as provided for in this section. Certain grammatical changes and other minor nonsubstantive changes were made in one or more of said pieces of legislation. It is the intention of the Village Board that all such changes be adopted as part of the Code as if the ordinances had been previously formally amended to read as such.
- B. The following changes are made throughout the Code:
- (1) References to specific chapters and sections of the Wisconsin Statutes and Wisconsin Administrative Code are amended to reflect the numbering of the statutes and Administrative Code as of the publication of this Code.
 - (2) References to "Board of Appeals" and "Board of Zoning Appeals" are amended to read "Zoning Board of Appeals."
 - (3) References to "board(s), committee(s) and committee(s)" (any order) are amended to read "board(s), commission(s) and committee(s)" (same order).
 - (4) References to "Community Development Authority Board" and "Community Development Committee" are amended to read "Community Development Authority."
 - (5) References to "Department of Commerce" are amended to read "Department of Safety and Professional Services."
 - (6) References to "Department of Health and Family Services" are amended to read "Department of Health Services."
 - (7) References to "Department of Industry, Labor and Human Relations" are amended to read "Department of Safety and Professional Services."
 - (8) References to "Historic Preservation Commission" are amended to read "Historic Preservation Committee."
 - (9) References to "Finance Committee" are amended to read "Personnel and Finance Committee."
 - (10) References to "Park Board," "Parks Board," "Park Commission" and "Parks Committee" are amended to read "Park Committee."
 - (11) References to "USDA Soil Conservation Service" are amended to read "USDA Natural Resources Conservation Service."
 - (12) References to "Village Clerk" or "Village Treasurer" are amended to "Village Clerk-Treasurer."
 - (13) Throughout Chapter 565, the term "variation" is amended to read "variance" as appropriate.
 - (14) Throughout the Code, references to fees as prescribed in Section 1-3-1 or in Title 1, Ch. 3, Schedule 3, Schedule of Fees, are revised to refer to the "current Village Fee Schedule."

(15) Throughout the Code, street names are standardized to use the numeric citation, such as "3rd Street" instead of "Third Street" where applicable.

C. The adoption of the Code includes the adoption of the following new ordinances:

- (1) Chapter 324, Hazardous Materials and Pollution, Article II, Pollution Abatement.
- (2) Chapter 540, Construction Site and Stormwater Runoff Management, Article I, Erosion Control.
- (3) Chapter 540, Construction Site and Stormwater Runoff Management, Article II, Stormwater Management.

D. The amendments and/or additions as set forth in Schedule A attached hereto and made a part hereof are made herewith, to become effective upon the effective date of this ordinance. (Chapter and section number references are to the ordinances as they have been renumbered and appear in the Code.)

§ 1-19. When effective.

This ordinance shall take effect upon passage and publication as required by law.

Adopted this _____ day of _____ 2019

~~John Rogers~~ *Chris Boucher*
 Village President

ATTEST:

 Jaci Stelzner
 Village Clerk-Treasurer

