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## **CHAPTER 1: GENERAL PROVISIONS**

### **1.0100 USE AND CONSTRUCTION**

#### **1.0101 TITLE OF CODE: CITATION**

These collected Ordinances shall be known and referred to as the "Code of Ordinances, City of Marinette, Wisconsin," or the "Municipal Code of the City of Marinette, Wisconsin." References to the Code of Ordinances, City of Marinette, Wisconsin, shall be cited as follows: "Sec. 2-1-1, Code of Ordinances, City of Marinette, Wisconsin."

#### **1.0102 PRINCIPLES OF CONSTRUCTION**

- A. The following rules or meanings shall be applied in the construction and interpretation 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 which 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. 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 General Ordinances of the City of Marinette unless the context of the section clearly indicates otherwise.
  3. 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.
  4. Fine. The term "fine" shall be the equivalent of the word "forfeiture", and vice versa.
  5. Gender. Every word in these Ordinances referring to the masculine gender shall also be construed to apply to females, and vice versa.
  6. 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.

7. 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.
8. Person. The word "person" shall mean 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.
9. 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.
10. Singular and Plural. Every word in these Ordinances referring to the singular number only shall also be construed to apply to several persons or things, and every word in these Ordinances referred to a plural number shall also be construed to apply to one (1) person or thing.
11. Tense. The use of any verb in the present tense shall not preclude the interpretation of the verb in the future tense where appropriate.
12. Wisconsin Statutes. The term "Wisconsin Statutes" and its abbreviation as "Wis. Stats." shall mean, in these Ordinances, the Wisconsin Statutes for the year 1981-82.
13. 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.

State Law Reference: Legal holidays, Sec. 256.17, Wis. Stats.

### **1.0103 CONFLICT OF PROVISIONS**

- A. If the provisions of different chapters conflict with each other, the provisions of each individual chapter shall control all issues arising out of the events and persons intended to be governed by that 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.

### **1.0104 SEPARABILITY OF PROVISIONS**

If any provision of this Municipal 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 provisions of these Ordinances.

### **1.0105 EFFECTIVE DATE OF ORDINANCES**

- A. Code. The Code of Ordinances, City of Marinette, 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.

State Law Reference: Municipal Code, Sec. 66.035, Wis. Stats.

## **1.0106 REPEAL OF GENERAL ORDINANCES**

- A. 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:
1. the annexation of territory to the City;
  2. releases of persons from liability;
  3. contracts or rights created by resolution or Council action other than general ordinance;
  4. naming of public property within the City;
  5. tax and special assessment levies;
  6. construction of public works;
  7. budget Ordinances, resolutions, and actions;
  8. issuance of corporate obligations by the City;
  9. establishment of grades, curb lines, and widths of sidewalks, and the location of public streets and alleys;
  10. zoning ordinances are amended in certain minor respects only, but not in substance, to read as set forth in this Code;
  11. charter ordinances.
- 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.

## **1.0107 GENERAL PENALTY**

- A. General Penalty. Except where a penalty is provided elsewhere 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:
1. First Offense - Penalty. Any person who shall violate any provision of this Code shall, upon conviction thereof, forfeit not less than Ten Dollars (\$10.00) nor more than One Thousand Dollars (\$1,000.00) 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 such forfeiture and costs are paid, but not exceeding ninety (90) days. (Ordinance 2008-2136 adopted 10-7-08)
  2. 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 within one year shall upon conviction thereof, forfeit not less than Twenty Dollars (\$20.00) nor more than One Thousand Dollars (\$1,000.00) for each such offense, together with costs of prosecution and in default of payment of such forfeiture and costs shall be imprisoned in the County Jail until such forfeiture and costs of prosecution are paid, but not exceeding six (6) months.
  3. Third Offense – Penalty. Any person found guilty of violating any ordinance or part of an ordinance of this Code who shall previously have been convicted twice of a violation of the same ordinance shall upon conviction thereof, forfeit not less than Thirty Dollars (\$30.00) nor more than One Thousand Five Hundred Dollars (\$1,500.00) for each offense, together with costs of prosecution and in default of payment of such forfeiture and costs shall be imprisoned in the County jail until such forfeiture and costs of prosecution are paid, but not exceeding six (6) months. (Ordinance 2008-2136 adopted 10-7-08)
  4. Fourth 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 three times or more shall upon conviction thereof, forfeit not less than Forty Dollars (\$40.00) nor more than Two Thousand Dollars (\$2,000.00) for each offense, together with costs of prosecution and in default of payment of such forfeiture and costs shall be imprisoned in the County jail until such forfeiture and costs of prosecution are paid, but not exceeding six (6) months. (Ordinance 2008-2136 adopted 10-7-08)

- 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. The City shall have any and all other remedies afforded by the Wisconsin Statutes in addition to the forfeitures and costs of prosecution above.
- D. Reference to Sections. Reference to any section of this Code shall be understood also to refer to and include the penalty section relating thereto, unless otherwise expressly provided.

**1.0108 CLERK TO MAINTAIN COPIES OF DOCUMENTS INCORPORATED BY REFERENCE.**

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 his office a copy of any such material as adopted and as amended from time to time. Materials on file at the City Clerk's Office shall be considered public records open to reasonable examination by any person during the office hours of the City Clerk subject to such restrictions on examination as the Clerk imposes for the preservation of the material.

**1.0200 MUNICIPAL COURT JURISDICTION OVER JUVENILES**

**1.0201 MUNICIPAL COURT JURISDICTION OVER JUVENILES.**

Chapters 48 and 938 of the Wisconsin Statutes, as amended from time to time, are hereby adopted by reference.

## **1.0300 ISSUANCE OF CITATIONS; SCHEDULE OF CASH DEPOSITS**

### **1.0301 ISSUANCE OF CITATIONS**

#### **A. Authority**

Pursuant to the authority of Section 66.119, Wis. Stats., as amended, the City of Marinette hereby elects to adopt and authorize the use of a citation to be issued for violations of ordinances, including ordinances for which a statutory counterpart exists.

#### **B. Citation**

The form of the citation is hereby prescribed as found in Section 66.119(1)(b), Wis. Stats., as amended, which is incorporated herein by reference.

#### **C. Schedule of Cash Deposits**

A schedule of cash deposits is established by Marinette Municipal Code Section 1.0302, as amended, which is incorporated herein by reference.

State Law Reference: Sections 66.119 and 800.02(2), Wis. Stats.

### **1.0302 SCHEDULE OF DEPOSITS**

#### **A. The following schedule of cash deposits is established for use with citations issued under this Chapter:**

1. The schedule of deposits for the alleged violation of the City of Marinette Traffic Code (Chapter 10 of this Municipal Code) shall be the State of Wisconsin Revised Uniform State Traffic Deposit Schedule and Juvenile Drinking Violation Deposit Schedule, as periodically updated, which are hereby adopted by reference.
2. The schedule of deposits for the alleged violation of other sections of the City of Marinette Code of Ordinances shall be the current schedule as adopted by the Common Council, which is adopted by reference.

#### **B. Deposits shall be made in cash, money order, or certified check to the Clerk of Municipal Court who shall provide a receipt therefore.**

### **1.0303 OFFICERS AUTHORIZED TO ISSUE CITATIONS**

#### **A. Any law enforcement officer may issue citations for enforcement of any ordinances authorized under this Chapter.**

#### **B. The following officials of the City of Marinette are hereby authorized to issue citations for enforcement of those ordinances specified. Such officials may delegate this authority to their subordinates upon approval by the Common Council:**

1. Fire Chief  
Chapter 5, Section 5.0200 (5.0201 through 5.0206)

- Chapter 6, Section 6.0400 (Section 6.0413)
  - Chapter 8, Section 8.0300 (Section 8.0309)
  - Chapter 11, Section 11.0600 (Section 11.0603(h))
  - Chapter 16, Section 5 (Sections 15-5-1 through 15-5-12)
2. Marinette Water Utility (Administrator of Utilities)
    - Chapter 7, Section 7.0100 (Sections 7.0101 through 7.0161)
  3. Marinette Wastewater Treatment (Administrator of Utilities)
    - Chapter 7, Section 7.0200 (Sections 7.0201 through 7.0253)
  4. Director of Public Works – City Engineer
    - Chapter 6, Section 6.0200 (Sections 6.0201 through 6.0209)
    - Chapter 6, Section 6.0300 (Sections 6.0301 and 6.0302)
    - Chapter 6, Section 6.0400 (Sections 6.0401 through 6.0415)
  5. Sanitation Officer
    - Chapter 8, Section 8.0100 (Section 8.0101 through 8.0114)
    - Chapter 8, Section 8.0200 (Sections 8.0201 through 8.0203)
    - Chapter 8, Section 8.0300 (Section 8.0309)
    - Chapter 9, Section 9.0200 (Section 9.0213)
    - Chapter 11, Section 11.0600 (Sections 11.0601, 11.0602, and 11.0603)
    - Chapter 13, Section 13.0300 (Sections 13.0301 through 13.0310)
    - Chapter 16, Section 16.0300 (Sections 16.0301 through 16.0309)
    - Chapter 16, Section 16.0400 (Sections 16.0401 through 16.0422)
    - Chapter 16, Section 16.0600 (Sections 16.0601 through 16.0616)
  6. Assessor - Building Inspector
    - Chapter 13, Section 13.0100 (Sections 13.0101 through 13.0172)
    - Chapter 13, Section 13.0200 (Sections 13.0201 through 13.0232)
    - Chapter 13, Section 13.0300 (Sections 13.0301 through 13.0310)
    - Chapter 16, Section 16.0100 (Sections 16.0101 through 16.0140)
    - Chapter 16, Section 16.0200 (Sections 16.0201 through 16.0220)
  7. Public Service Officer and Code Enforcement
    - Chapter 6, Section 6.0200 (Sections 6.0207, 6.0208)
    - Chapter 8, Section 8.0100 (Sections 8.0106, 8.0112 and 8.0113)
    - Chapter 8, Section 8.0300 (Sections 8.0301 through 8.0316)
    - Chapter 9, Section 9.0300 (Sections 9.0301 through 9.0327)
    - Chapter 10, Section 10.0100 (Sections 10.0110 through 10.0118)
    - Chapter 10, Section 10.0100 (Section 10.0132)
    - Chapter 10, Section 10.0400 (Section 10.0408(a)(1))
    - Chapter 11, Section 11.0300 (Section 11.0306)
    - Chapter 12, Section 12.0100 (Section 12.0101 through 12.0110)
  8. Cemetery Superintendent
    - Chapter 6, Section 6.0500 (Sections 6.0501 through 6.0524)

Chapter 9, Section 9.0300 (Section 9.0312)

**1.0304 PROCEDURE**

The provisions of Section 66.119(3), Wis. Stats., relating to violator's options and procedure on default, are hereby adopted and incorporated herein by reference.

**1.0305 NONEXCLUSIVITY**

Adoption of this ordinance in no way precludes the adoption of any other ordinance or providing for the enforcement of any other law or ordinance relating to the same or any other matter. The issuance of a citation under this Chapter in no way precludes the proceeding under any other law or ordinance relating to the same or any other matter.

**1.0306 POSTING OF BONDS**

Marinette Municipal Court will accept the following type of bonds, preferably in the order listed below:

A. Cash Bond

Normally in the amount found in Uniform State Traffic Deposit Schedule and Marinette City Ordinance Bond Schedule. (This shall include Cashier Checks, Money Orders, and Bank Drafts.)

B. Personal Checks

1. Accepted from all residents of the City of Marinette.
2. Accepted from all other residents of the State of Wisconsin and Michigan Upper Peninsula when proper identification is provided (e.g. Drivers License, Military Identification, Social Security, etc.).
3. Accepted if Police Department desk officer feels it is in the best interest of the City of Marinette. In these cases, there shall be no liability on the part of the City Police Department if the check proves worthless.

C. Bail Bond (Traffic Only)

American Automobile Association (AAA), American Oil Company (AMOCO), or any other legal Automobile Bonding Company that guarantees the bond are accepted. In such instances, the defendant must file a Bail Bond Report and surrender the Membership Card.

D. Drivers License

1. Wisconsin Residents living outside of the City of Marinette.
2. Michigan residents of the Upper Peninsula who wish to "voluntarily" post their drivers license as Bond.
3. All other residents of the United States who wish to "voluntarily" post their driver's license as Bond.

E. Signature Bonds with Co-Signer

Must be signed by the defendant and cosigned by an attorney-at-law or other persons capable of guarantying bond, if defendant fails to post bond or fails to appear in Court.

F. Signature Bond

Must be signed by the defendant and witnessed by Desk Officer and notarized, if possible.