

# **Chapter 1**

## **GENERAL PROVISIONS**

**[HISTORY: Adopted by the Town Board of the Town of Port Washington as indicated in article histories. Amendments noted where applicable.]**

### **ARTICLE I**

#### **Adoption of Code**

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**[An ordinance to adopt the Code of the Town of Port Washington will be proposed before the Town Board. Upon final adoption said ordinance will be included in the Code as Article I of this chapter.]**

## Chapter 1

### GENERAL PROVISIONS

#### ARTICLE I Adoption of Code

- § 1-1. Adoption of Code.
- § 1-2. Code supersedes prior ordinances.
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- § 1-14. New ordinances; changes in previously adopted ordinances.
- § 1-15. When effective.

**[HISTORY: Adopted by the Town Board of the Town of Port Washington as indicated in article histories. Amendments noted where applicable.]**

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#### ARTICLE I Adoption of Code [Adopted 6-4-2007 by Ord. No. 2007-1-B]

##### § 1-1. Adoption of Code.

Pursuant to § 66.0103, Wis. Stats., the ordinances of the Town of Port Washington of a general and permanent nature adopted by the Town Board of the Town of Port Washington, as revised, codified and consolidated into chapters and sections by General Code, and consisting of Chapters 1 through 340, are hereby approved, adopted, ordained and enacted as the "Code of the Town of Port Washington," hereinafter referred to as the "Code."

##### § 1-2. 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.

##### § 1-3. 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.

**§ 1-4. Copy of Code on file.**

A copy of the Code, in loose-leaf form, has been filed in the office of the Town Clerk 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 Town Clerk, and such certified copy shall remain on file in the office of said Town Clerk to be made available to persons desiring to examine the same during all times while said Code is in effect.

**§ 1-5. 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 Town Board to make them a part thereof, shall be deemed to be incorporated into such Code so that reference to the "Code of the Town of Port Washington" 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 printed and, as provided hereunder, inserted in the loose-leaf book containing said Code as amendments and supplements thereto.

**§ 1-6. Publication; filing.**

The Clerk of the Town of Port Washington, pursuant to law, shall cause to be published, in the manner required by law, a copy of this Adoption Ordinance. Sufficient copies of the Code shall be maintained in the office of the Clerk for inspection by the public at all times during regular office hours. The enactment and publication 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.

**§ 1-7. Code book to be kept up-to-date.**

It shall be the duty of the Town Clerk, or someone authorized and directed by the Clerk, to keep up-to-date the certified copy of the book containing the Code required to be filed in the Clerk'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 printed as supplements to said Code book, at which time such supplements shall be inserted therein.

**§ 1-8. Sale of Code book.**

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

**§ 1-9. 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 Town of Port Washington to be misrepresented thereby. Anyone violating this section or any part of this ordinance shall be subject, upon conviction, to a forfeiture of not more than \$500, in the discretion of the Judge imposing the same.

**§ 1-10. 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.

**§ 1-11. 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.

**§ 1-12. Repealer.**

All ordinances or parts of ordinances of a general and permanent nature adopted and in force on the date of the adoption of this ordinance and not contained in the Code are hereby repealed as of the effective date of this Adoption Ordinance, except as hereinafter provided.

**§ 1-13. Ordinances saved from repeal.**

The adoption of this Code and the repeal of ordinances provided for in § 1-12 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 April 2, 2007.
- 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 Town'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 a Zoning Map or otherwise rezoning property. **0.**  
Any charter ordinances.
- P. Any ordinance or portion of an ordinance establishing a specific fee amount for any license, permit or service obtained from the Town.

**§ 1-14. New ordinances; changes in previously adopted ordinances.**

The adoption of the Code provided in § 1-1 includes the adoption of the following, as set forth in the Code on file in the office of the Clerk pursuant to § 1-4:

- A. New ordinances: Chapter 250, Nuisances.
- B. Revisions to existing ordinances deemed necessary and authorized by the Town Board to bring the ordinances of the Town into compliance with current procedures and statutory requirements.

**§ 1-15. When effective.**

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