

MUNICIPAL CODE OF THE VILLAGE OF ASHWAUBENON, WISCONSIN

_____ Adopted October 14, 2008

Published in 2008 by Order of the Village Board



OFFICIALS

of the

VILLAGE OF

ASHWAUBENON, WISCONSIN

AT THE TIME OF THIS RECODIFICATION

Gerald Menne

President

Mary Kardoskee (1-2)

Ken Seidel (3-4)

Vacant (5-6)

Mark Williams (7-8)

Keith Cormier (9-10)

Greg Collins (11-12)

Village Board

Steve Kubacki

Village Administrator

Dennis Duffy

Village Attorney

Dawn Collins

Village Clerk

CURRENT OFFICIALS

of the

VILLAGE OF

ASHWAUBENON, WISCONSIN

Michael W. Aubinger

President

Mary Kardoskee - Trustee (Wards 1 & 2)

Gary Paul - Trustee (Wards 3 & 4)

Gary Simeons - Trustee (Wards 5 & 6)

Mark W. Williams - Trustee (Wards 7 & 8)

Ken Bukowski - Trustee (Wards 9 & 10)

Michael J. Malcheski - Trustee (Wards 11 & 12)

Village Board

Allison Swanson

Village Manager

Dennis Duffy

Village Attorney

Patrick W. Moynihan, Jr.

Village Clerk/Treasurer

PREFACE

This Code constitutes a recodification of the general and permanent ordinances of the Village of Ashwaubenon, Wisconsin.

Source materials used in the preparation of the Code were the 2006 Code, as supplemented, and ordinances subsequently adopted by the village board. The source of each section is included in the history note appearing in parentheses at the end thereof. The absence of such a note indicates that the section is new and was adopted for the first time with the adoption of the Code. By use of the comparative tables appearing in the back of this Code, the reader can locate any section of the 2006 Code, as supplemented, and any subsequent ordinance included herein.

The chapters of the Code have been predominantly arranged in alphabetical order, and the various sections within each chapter have been catchlined to facilitate usage. Notes which tie related sections of the Code together and which refer to relevant state law have been included. A table listing the state law citations and setting forth their location within the Code is included at the back of this Code.

Chapter and Section Numbering System

The chapter and section numbering system used in this Code is the same system used in many state and local government codes. Each section number consists of two parts separated by a dash. The figure before the dash refers to the chapter number, and the figure after the dash refers to the position of the section within the chapter. Thus, the second section of chapter 1 is numbered 1-2, and the first section of chapter 6 is 6-1. Under this system, each section is identified with its chapter, and at the same time new sections can be inserted in their proper place by using the decimal system for amendments. For example, if new material consisting of one section that would logically come between sections 6-1 and 6-2 is desired to be added, such new section would be numbered 6-1.5. New articles and new divisions may be included in the same way or, in the case of articles, may be placed at the end of the chapter embracing the subject, and, in the case of divisions, may be placed at the end of the article embracing the subject. The next successive number shall be assigned to the new article or division. New chapters may be included by using one of the reserved chapter numbers or by using a point system. If the new material

is to be included between Chapters 12 and 13, it will be designated as Chapter 12.5. Care should be taken that the alphabetical arrangement of chapters is maintained when including new chapters.

Page Numbering System

The page numbering system used in this Code is a prefix system. The letters to the left of the colon are an abbreviation which represents a certain portion of the volume. The number to the right of the colon represents the number of the page in that portion. In the case of a chapter of the Code, the number to the left of the colon indicates the number of the chapter. In the case of an appendix to the Code, the letter immediately to the left of the colon indicates the letter of the appendix. The following are typical parts of codes of ordinances, which may or may not appear in this Code at this time, and their corresponding prefixes:

| | |
|---------------------------|-------|
| CHARTER ORDINANCES | CHT:1 |
| CODE | CD1:1 |
| CODE APPENDIX | CDA:1 |
| CODE COMPARATIVE TABLES | CCT:1 |
| STATE LAW REFERENCE TABLE | SLT:1 |
| CODE INDEX | CDi:1 |

Index

The index has been prepared with the greatest of care. Each particular item has been placed under several headings, some of which are couched in lay phraseology, others in legal terminology, and still others in language generally used by local government officials and employees. There are numerous cross references within the index itself which stand as guideposts to direct the user to the particular item in which the user is interested.

Looseleaf Supplements

A special feature of this publication is the looseleaf system of binding and supplemental servicing of the publication. With this system, the publication will be kept up-to-date. Subsequent amendatory legislation will be properly edited, and the affected page or pages will be reprinted. These new pages will be distributed to holders of copies of the publication, with instructions for the manner of inserting the new pages and deleting the obsolete pages.

Keeping this publication up-to-date at all times will depend largely upon the holder of the publication. As revised pages are received, it will then become the responsibility of the holder to have the amendments inserted according to the attached instructions. It is strongly recommended by the publisher that all such amendments be inserted immediately upon receipt to avoid misplacing them and, in addition, that all deleted pages be saved and filed for historical reference purposes.

Acknowledgments

This publication was under the direct supervision of Alyce A. Whitson, Senior Code Attorney, and Beth Tattershall, Editor, of the Municipal Code Corporation, Tallahassee, Florida. Credit is gratefully given

to the other members of the publisher's staff for their sincere interest and able assistance throughout the project.

The publisher is most grateful to Charlotte Nelson, Village Clerk and the other members of the village staff for their cooperation and assistance during the progress of the work on this publication. It is hoped that their efforts and those of the publisher have resulted in a Code of Ordinances which will make the active law of the village readily accessible to all citizens and which will be a valuable tool in the day-to-day administration of the village's affairs.

Copyright

All editorial enhancements of this Code are copyrighted by Municipal Code Corporation and the Village of Ashwaubenon, Wisconsin. Editorial enhancements include, but are not limited to: organization; table of contents; section catchlines; prechapter section analyses; editor's notes; cross references; state law references; numbering system; code comparative table; state law reference table; and index. Such material may not be used or reproduced for commercial purposes without the express written consent of Municipal Code Corporation and the Village of Ashwaubenon, Wisconsin.

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ORDINANCE NO. O10-2-08

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

Notice is hereby given that a Public Hearing was held before the Village of Ashwaubenon Board of Trustees, Brown County, Wisconsin on Tuesday, October 14, 2008 at 7:00 p.m. at the Village Hall, 2155 Holmgren Way, Ashwaubenon, Wisconsin, for the purpose of hearing from all persons and/or their agents on the updated Municipal Code of Ordinances of the Village of Ashwaubenon and a copy of the Updated Municipal Code of the Village of Ashwaubenon as described below has been on file and open for public inspection at the offices of the Village Clerk for a period of two (2) weeks prior to the adoption and enactment of this Ordinance No. O10-2-08.

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

Adoption of Code.

Pursuant to W.S.A. §§ 66.0103 and 61.50, the various chapters and sections of the 1976 Code of Ordinances of the Village of Ashwaubenon, and subsequent ordinances of the Village of Ashwaubenon of a general and permanent nature adopted by the Village Board of the Village of Ashwaubenon, as revised, codified and consolidated into chapters and sections by Municipal Code Corporation, and consisting of:

| | | | | | | |
|--------------------|-----|-----------|---------|------------|----------|----------------|
| Introduction/Table | | | | of | | Contents |
| Part | | I | | Charter | | Ordinance |
| Part | II | | Code | of | | Ordinances |
| Chapter | | 1. | | General | | Provisions |
| Chapter | | | 2. | | | Administration |
| Chapter | | 3. | | Alcohol | | Beverages |
| Chapter | | | 4. | | | Animals |
| Chapter | 5. | Buildings | | and | Building | Regulations |
| Chapter | | | 6. | | | Businesses |
| Chapter | 7. | | Traffic | | and | Vehicles |
| Chapter | | 8. | | Civil | | Emergencies |
| Chapter | | 9. | | Criminal | | Code |
| Chapter | | 10. | | Emergency | | Services |
| Chapter | | | 11. | | | Environment |
| Chapter | | 12. | Finance | | and | Taxation |
| Chapter | 13. | Fire | | Prevention | and | Protection |

| | | | | | | |
|------------|-----|-------------|------------|-----------|------------|--------------------|
| Chapter | 14. | Floodplain | | and | Shoreland | |
| Chapter | 15. | Parks | | and | Recreation | |
| Chapter | | 16. | | | Reserved | |
| Chapter | 17. | Planning | | and | Zoning | |
| Chapter | | 18. | | Solid | Waste | |
| Chapter | 19. | Streets, | Sidewalks, | and | Other | Public |
| Chapter | | | 20. | | | Subdivisions |
| Chapter | | | 21. | | | Telecommunications |
| Chapter | | | 22. | | | Utilities |
| Code | | Comparative | | | | Tables |
| State | | Law | | Reference | | Table |
| Code Index | | | | | | |

are hereby approved, adopted, ordained and enacted as the "Municipal Code of the Village of Ashwaubenon" hereinafter referred to as the "Code."

Code Supersedes Prior Ordinances.

This ordinance and the Code shall supersede the present Code of Ordinances of the Village of Ashwaubenon and 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.

Continuation of Existing Provisions.

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

Copy of Code on File.

A copy of the Code, in loose-leaf form, has been filed in the office of the Village Clerk and shall remain there for use and examination by the public for at least two weeks, in accordance with W.S.A. §§ 66.0103 and 61.50, and until final action is taken on this ordinance, and if this ordinance shall be adopted, such copy shall be certified by the Village Clerk, and such certified copy shall remain on file in the office of said Village Clerk to be made available to persons desiring to examine the same during all times while said Code is in effect.

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 "Municipal Code of the Village of Ashwaubenon" 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 presented and, as provided hereunder, inserted to the loose-leaf book containing said Code as amendments and supplements thereto.

Publications; Filing.

The Clerk of the Village of Ashwaubenon, 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.

Code Book to be Kept Up-to-Date.

It shall be the duty of the Village 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.

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 Village Board. The Clerk may also arrange for procedures for the periodic supplementation of the Code.

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 Ashwaubenon to be misrepresented thereby. Anyone violating this section or any part of this ordinance shall be subject, upon conviction, to a fine of not more than \$500, in the discretion of the Judge imposing the same.

Severability of Code Provision; Conflicting Provisions.

- A. 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.
- B. If the provisions of the different chapters of the 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.

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.

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.

Ordinances Saved from Repeal.

The adoption of this Code and the repeal of ordinances provided for herein shall not affect the following ordinances, rights and obligations, which are hereby expressly saved from repeal:

- A. Any ordinance adopted subsequent to January 1, 2008.
- 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, part 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 therefore.
- 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. Charter ordinances.
- O. Water, sewer and electric rates, rules and regulations, sewer and water main construction and construction of any public works.
- P. Budget ordinances.

When Effective.

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

Adopted this 14th day of October 2008.

Jerry Menne, Village President

ATTEST:

Dawn A. Collins, Village Clerk

Following the Public Hearing and while in regular session, the Village Board adopted the new Code of Ordinances consisting of Introduction/Table of Contents, Part I Charter Ordinances, Part II Code of Ordinances, Chapters 1 through 22, Code Comparative Tables, State Law Reference Table and Code Index.

Dated this 14th day of October 2008.

Dawn A. Collins, Village Clerk

Published: October 17, 2008