

# LISBON TOWN CODE

## CHAPTER 1

### GENERAL PROVISIONS

#### 1.01 LISBON TOWN CODE.

(a) Title.

This code of ordinances may be known and cited as the Lisbon Town Code.

(b) Amendments.

Any additions or amendments to this code are incorporated in this code so that a reference to the Lisbon town Code includes such additions and amendments.

(c) Numbering of Sections.

Each section number of this code shall consist of two component parts separated by a period; the figure before the period refers to the chapter number and the figure after the period refers to the positions of the section within the chapter.

(d) Numbering Additions.

The decimal system shall be used for all additions or amendments to this code. When a chapter or section is to be added the new chapter or section shall be given a decimal character.

#### 1.02 DEFINITIONS.

(a) Terms used in this code, unless specifically defined in this code, have meanings prescribed by the Wisconsin Statutes for the same terms.

(b) Terms used in this code have the following meanings:

Town: Town of Lisbon, Waukesha County, Wisconsin

County: Waukesha County

State: State of Wisconsin

Town Board: The Town Board of the Town of Lisbon, and similarly the title of any other official, board or commission shall refer to the Town of Lisbon unless otherwise stated.

Person: Any natural individual, firm, partnership, trust, estate, club, association or corporation. As applied to partnerships or associations the word includes the partners or members thereof; as applied to corporations, the word includes the officers, agents or employees thereof, who are plural and the plural includes the singular. The masculine gender includes the feminine and neuter genders.

Ordinances: The ordinances of the Town of Lisbon and all amendments thereto, including his code.

This code: The Lisbon Town Code

Wisconsin Statutes: the 1971 edition thereof; and when later editions are published, the latest publication thereof.

**1.03 REPEAL OF ORDINANCES.**

(a) All general ordinances or parts of ordinances heretofore adopted by the Town Board and not included in this code are repealed; except the following which are hereby continued in full force and effect:

- (1) Ordinances authorizing contracts or the issue of municipal notes or bonds;
- (2) Ordinances levying taxes or making special assessments;
- (3) Ordinances appropriating funds or establishing salaries;
- (4) Ordinances granting franchises or rights to corporations;
- (5) Ordinances relating to the establishment, dedication, opening, grade, naming, improvement, altering, widening or vacating of streets, alleys, or sidewalks, parks or public grounds;
- (6) Ordinances respecting the conveyance or acceptance of real property or easements in real property;
- (7) Ordinances authorizing or relating to particular public improvements;
- (8) Ordinances regulating zoning and subdivisions;
- (9) Any other special ordinances not in conflict with the provisions of this code.

(b) The provisions of this code, so far as they are the same in substance as those of heretofore existing ordinances are continuations of such ordinances and not new enactments. Any act done, offense committed, or right accruing or acquired, or liability, penalty, forfeiture or punishment incurred prior hereto shall not be affected, but may be enjoyed, asserted, enforced, prosecuted or inflicted as fully and to the same extent as if the above repeal had not been effected.

**1.04 JURISDICTION.**

Unless otherwise provided in this code, this code applies to acts performed within the Town of Lisbon, Waukesha County, Wisconsin.

**1.05 PENALTIES.**

(a) Standard Penalty.

Unless another penalty is expressly provided by this code for any particular provision, section or chapter, any person violating any provision of this code, or any rule or regulation adopted or issued in pursuance thereof, or any provision of any code adopted herein by reference shall, upon conviction, be subject to a forfeiture of not less than twenty five dollars (\$25.00) nor more than five thousand dollars (\$5,000.00) and the cost of prosecution, In default of immediate payment of such forfeiture and costs such person shall be committed to Waukesha County Jail until such forfeiture and costs are paid. Every commitment shall limit the duration of such imprisonment to a definite term not exceeding ninety (90) days.

(aa) Bond Schedule.

In the event a bond is permitted to be posted for any violations of this code, and in the further event that no bond schedule has heretofore been adopted or established by the Town Board which applies to the provision of the Town Code which is alleged to have been violated, a bond in the

amount of fifty dollars (\$50.00), together with all assessable costs and penalties may, in the discretion of the officer issuing the citation, be posted to guarantee subsequent court appearances. In the event a bond is accepted, the officer issuing the citation shall advise the individual posting the bond that the bond will be forfeited in the event the individual fails to appear at any subsequent court proceeding.

(b) Each Day a Violation.

Each act of violation and every day upon which a violation occurs or continues constitutes a separate offense.

(c) Applicability.

The penalty provided by this section or any section of this code applies to the amendment of any section of this code or any code adopted herein by reference to which the penalty relates whether or not such penalty is reenacted in the amendatory ordinances, unless otherwise provided in the amendment.

(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 expressly provided.

(e) Failure of Officers to Perform Duties.

The failure of any officer or employee of the town to perform any official duty imposed by this code shall not subject such officer or employee to the penalty imposed for violation of this code, unless a penalty is specifically provided.

**1.06 RESPONSIBILITY FOR ACTS.**

Every person concerned in the commission of any act prohibited by this code, whether he directly commits the act, or prosecutes, counsels, aids, or abets in its commission, may be prosecuted and on conviction is punishable as if he had directly committed such act.

**1.07 SEPARABILITY OF PROVISIONS.**

Each section, paragraph sentence, clause and provision of this code is separable and if any provision is held unconstitutional or invalid for any reason, such decision shall not affect the remainder of this code nor any part thereof, other than that part affected by such decision.

**1.08 EFFECTIVE DATE.**

This code of ordinances shall take effect upon passage and publication in book form under the authority of the Town Board as provided by law.

**1.09 COPIES ON FILE.**

Copies of this code shall be kept available at the Town Clerk's office for public inspection.

**1.10 CITATIONS FOR ORDINANCE VIOLATIONS; CASH DEPOSITS.**

(a) Citation Method Elected.

Pursuant to Section 66.119, Wisconsin Statutes, the Town of Lisbon hereby elects to use the citation method of enforcement of ordinances other than those for which a statutory counterpart exists.

(b) The Citation.

The citation shall contain the following:

- (1) The name and address of the alleged violator.
- (2) Factual allegations describing the alleged violation.
- (3) The time and place of the offense.
- (4) The section of the ordinance violated.
- (5) A designation of the offense in such manner as can readily be understood by a person making a reasonable effort to do so.
- (6) The time at which the alleged violator may appear in court.
- (7) A statement which in essence informs the alleged violator:
  - (A) That a cash deposit based on the schedule established by this section may be made which shall be delivered or mailed to the Town Police Chief or Town Clerk prior to the time of the scheduled court appearance.
  - (B) That if a deposit is made, no appearance in court is necessary unless he is subsequently summoned.
  - (C) That if a cash deposit is made and the alleged violator does not appear in court, he will be deemed to have entered a plea of no contest, or, if the court does not accept the plea of no contest, a summons will be issued commanding him to appear in court to answer the complaint.
  - (D) That if no cash deposit is made and the alleged violator does not appear in court at the time specified, an action may be commenced to collect the forfeiture.
- (8) A direction that if the alleged violator elects to make a cash deposit, the statement which accompanies the citation shall be signed to indicate that the statement required under paragraph 7 above has been read. Such statement shall be sent or brought with the cash deposit.
- (9) Such other information as the town deems necessary.

(c) Form of Citation.

The form of the citation to be used by the town shall be in the following form, to wit:

(d) Schedule of Deposits.

The following schedule of cash deposits is established for use with citations issued under this section. In addition to such cash deposit, court costs for the citations issued shall also be deposited.

<b><u>Ordinance Number</u></b>	<b><u>Offense</u></b>	<b><u>Deposits</u></b>
5.06	Abandoned Vehicles	\$30 Plus cost of removal and/or storage is needed
6.02	Dogs Running at Large	\$20 Second offense, plus license fees and Humane Animal Welfare Society cost if needed.
11.01	Zoning Regulations	\$50
41.22	Disorderly Conduct	\$40
	Noise	\$25
41.03	Damaging Property	\$50
41.35	Littering	\$50 Plus clean up cost.
41.34	Pollution	\$50
41.02, 41.20	Firearm Violations	\$30
41.17	Outdoor Fires without Permit	\$25
41.04, 41.05	Trespassing	\$25 (1 <sup>st</sup> offense) \$50 (2 <sup>nd</sup> and subsequent offences)
42.09	Restrictions on Stopping and Parking – Wisconsin Statutes 346.50 to 346.55	\$3 (no court costs if paid within 72 hrs.)
	Snowmobile, Operation	\$25
42.02	Speed Limits (Accelerating Vehicles)	\$30
42.04	Illegal Operation of Mini-Bike	\$30
42.08 (d)	Snow Emergency (Prohibited Parking)	\$25 Plus removal and storage if needed
42.08 (f)	Depositing of Snow on Streets	\$20

Deposits shall be made in cash, money order or certified check to the Town Police Chief or Town Clerk, who shall provide a receipt therefore.

(e) Issuance of Citation.

(1) Law enforcement officer. Any law enforcement officer may issue citations authorized under this section.

(2) The following town officials may issue citations with respect to those specified ordinances which are directly related to their official responsibilities

(A) Town Police Chief with reference to all ordinance violations.

(B) Town Police Chief and Building Inspector with reference to the following ordinance violations:

11.01 Zoning Regulations

(3) Such town officials may delegate their authority to issue citations to their subordinates.

(f) Procedure.

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

(g) Nonexclusivity.

(1) Other Ordinance. Adoption of this section does not preclude the Town Board from adopting any other ordinance or providing for the enforcement of any other law or ordinance relating to the same or other matter.

(2) Other Remedies. The issuance of a citation hereunder shall not preclude the Town Board or any authorized officer from proceeding under any other ordinance or law or by any other enforcement method to enforce any ordinance or law or by any other enforcement method to enforce any ordinance, regulation or order.)

**1.11 CIGARETTE LICENSE FEES.**

No person shall sell, exchange, barter dispose of or give away, or keep for sale any cigarettes without a license therefore as prescribed by the Wisconsin Statutes. The license fee for such license is fifty dollars (\$50.00) per year. The license shall expire on June 30 of such year.

**1.12 ISSUANCE OF LICENSE CONDITIONED ON PAYMENT OF TAXES.**

Notwithstanding anything contained in any ordinance or code provision of the Town of Lisbon to the contrary, no person shall be entitled to obtain any license from the Town of Lisbon unless, at the time of the issuance of that license, the licensee has paid to the Township of Lisbon all local taxes, whether real or personal, and all assessments of any nature, which are then due and owing.

**1.13 SUSPENSION AND REVOCATION OF LICENSES ISSUED BY TOWN BOARD.**

(a) Licensing.

This ordinance (Sec. 1.13) is enacted pursuant to licensing powers granted this town, and is intended to be used in disciplinary proceedings.

(b) Obscenity.

The following shall constitute grounds for suspension or revocation of a license issued by this town, to a degree determined by the Town Board following notice to the license holder, and hearing:

(1) Conviction of an offense, contrary to Wisconsin Statutes, Section 944.21, or a county ordinance adopted pursuant to said statute or Section 59.07 (64m), or any successor statute or later amended version.

(2) Arrest or bringing of charges, whether by complaint or citation, of a license holder, pursuant to Wisconsin Statutes Section 944.21, Section 59.07 (64m), or an ordinance pursuant thereto.

(3) A finding by the Town Board, whether or not court charges are filed, that the operation of the licensed facility or activity is in conflict with Wisconsin Statutes Section 944.21.

(4) Regardless of the basis for the hearing, the standard for disciplinary action shall be whether the board finds, by a preponderance of the evidence that a violation occurred.

(c) Suspension or Revocation of Alcoholic Beverage Licenses.

Alcohol licensees are to be disciplined according to the guidelines of present Wisconsin Statutes Section 125.12, or any later amended or successor statute.

(d) Severability.

In the event any portion of this ordinance, which is intended to incorporate Wisconsin Obscenity provisions, is found unconstitutional or invalid, the remaining portions shall remain in full force and effect.

(e) Penalty.

The penalty for each violation shall be determined by the Town Board, taking into account the number of past and present violations proven, and the severity of the current offense(s). Multiple offenses may be considered at any hearing involving the same licensee, and the Board may suspend or revoke any type of issued license, following prior notice to the license holder. In the future, the Board may establish a specific penalty guideline taking these factors into account.

## **1.14 CHARGE BACK OF ENGINEERING, ATTORNEY, PLANNER, AND OTHER FEES TO LAND OWNERS BENEFITING.**

(a) Fees of Town Professionals Charged Back

Whenever either the Town Board, Town Clerk, or other Town official has authorized a property owner in the town to contact the Town Attorney, Engineer, Planner, or any other of the Town's professional staff; the Town Board, Town Clerk, or other Town official contacts such Town Attorney, Engineer, Planner, or any of the Town's professional staff; or a property owner contacts the Town Attorney, Engineer, Planner, or any other of the Town's professional staff, if such contact

results in a charge to the Town for that professional's time and services and such service is not a  
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service supplied to the Town as a whole, then and in that event the Town Clerk shall, pursuant to the provisions of Section 66.070 (b), Wis. Stats., charge that service to such property owner for the fees incurred by the Town.

(b) Property Owner allowed Time to Pay.

The Town Clerk shall give each property owner billed for current services as provided for herein notice that they shall have a specified period of time not less than thirty (30) days to pay. Said notice shall also state that within 15 days of the date of the notice, the property owner may request a hearing before the Town Board regarding the charges. Said notice shall also include an itemized statement of the professional service fees to be charged. Thereafter, if the property owner requests a hearing within the proper time period, the matter shall proceed as described in subsection (d), below. If a hearing is not requested within the required time period, if that charge remains unpaid, the Town Clerk shall automatically charge that delinquent bill against the current or next tax roll as a delinquent tax against the property as provided by law. In the event the statement rendered to the property owner or the time given for the property owner to pay or following a hearing if the Town Board approves all or part of the charge, it is too late in the current year for the charge, when it becomes delinquent, to be extended on that year's tax roll, then the delinquent charge shall be extended to the following year's tax roll.

(c) Interest on Special Assessments or Special Charges.

In order to recover the entire cost of any work or improvement to be paid in whole or in part by special assessment or special charge, including direct or indirect costs, such as services of the administrative staff of the Town, its engineering and legal services, the interest charged to the benefited owners shall be two (2%) percent above the rate the Town would have had to pay for a loan at that time.

(d) Appeal to Town Board.

Upon receipt of a timely request for hearing as described in subsection (b), above, the Town Board shall hold a hearing regarding the charges at its next scheduled meeting or as soon as feasible. Such hearing shall be preceded by posted public notice and reasonable notice, via first class mail, to the property owner. In the event a hearing is requested, no charges shall be placed on the tax roll unless and until such hearing has been held and a decision has been rendered by the Town Board to approve the charges against the tax roll in whole or in part. If approved only in part, only that part of the charges that are approved may be charged against the tax roll.