

# CITY OF PLYMOUTH CODE OF ORDINANCES

## TITLE 1

### General Provisions for Use of Code of Ordinances

- Chapter 1 Use and Construction of Code of Ordinances
- Chapter 2 Enforcement of Ordinances; Issuance of Citations
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## CHAPTER 1

### Use and Construction of Code of Ordinances

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#### **SEC. 1-1-1 TITLE OF CODE; CITATION.**

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

#### **SEC. 1-1-2 PRINCIPLES OF CONSTRUCTION.**

The following rules or meanings shall be applied in the construction and interpretation of ordinances codified in this Code of Ordinances unless such application would be clearly inconsistent with the plain meaning or intent of the ordinances:

(a) **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.

(b) **City.** "City" shall refer to the City of Plymouth, Sheboygan County, Wisconsin.

(c) **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 Ordinances of the City of Plymouth unless the context of the section clearly indicates otherwise.

(d) **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 and any other City holiday designated by the Common Council.

(e) **Fine.** The term "fine" shall be the equivalent of the word "forfeiture," and vice versa.

(f) **Gender.** Every word in these Ordinances referring to the masculine gender shall also be construed to apply to females, and vice versa; the masculine gender is used solely in the interest of brevity.

(g) **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.

(h) **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.

(i) **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.

(j) **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.

(k) **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.

(l) **Tense.** The use of any verb in the present tense shall not preclude the interpretation of the verb in the future tense where appropriate.

(m) **Wisconsin Statutes.** The term "Wisconsin Statutes" and its abbreviation as "Wis. Stats." shall mean, in these Ordinances, the Wisconsin Statutes for the year 1987-88, as amended.

(n) **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.

### **SEC. 1-1-3 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.

### **SEC. 1-1-4 SEPARABILITY OF PROVISIONS.**

If any provision of this Code of Ordinances 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.

### **SEC. 1-1-5 EFFECTIVE DATE OF ORDINANCES.**

(a) Code. The Code of Ordinances, City of Plymouth, 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. 66.0103, Wis. Stats.

### **SEC. 1-1-6 REPEAL OF GENERAL ORDINANCES.**

(a) Ordinances Repealed. 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, except that some of the following provisions will be amended by this Code of Ordinances:

- (1) Any offense or act committed or done or any penalty or forfeiture incurred or any contract or right established or accruing before the effective date of this ordinance;
- (2) Any ordinance or resolution promising or guaranteeing the payment of money for the City, or any contract or obligations assumed by the City;
- (3) The administrative Ordinances or resolutions of the City not in conflict or inconsistent with the provisions of the Code;
- (4) Any appropriation ordinance or resolution;
- (5) Any right or franchise granted by the Common Council to any person, firm or corporation;
- (6) Any ordinance or resolution dedicating, naming, establishing, locating, relocating, opening, closing, paving, widening, vacating, etc., any street or public way in the City;
- (7) Any ordinance or resolution establishing or prescribing the street grades of any streets in the City;
- (8) Any ordinance or resolution providing for local improvements or assessing taxes or special assessments therefore;
- (9) Any ordinance or resolution dedicating or accepting any plat or subdivision by the City;
- (10) Any ordinance annexing property to the City;
- (11) Any ordinance or resolution regulating the erection, alteration, repair, maintenance, demolition, moving or removal of buildings or other structures;
- (12) Zoning ordinances; dwelling building code; and other building code ordinances.
- (13) Charter ordinances.
- (14) The issuance of corporate bonds and notes of the City of whatever name or description.
- (15) Water and sewer rates, rules and regulations and sewer and water main construction.

(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.

**SEC. 1-1-7 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 Twenty-five Dollars (\$25.00) nor more than Five Hundred Dollars (\$500.00), 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 six (6) months.
- (2) Second and Subsequent Offences - 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 two (2) years shall, upon conviction thereof, forfeit not less than Fifty Dollars (\$50.00) 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 lie imprisoned in the County Jail until such forfeiture and costs of prosecution are paid, but not exceeding six (6) months.

(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) Restitution. Any violation of a provision of this Code similar to conduct prohibited by state statute resulting in damage to property or physical injury to a person shall require restitution to be made upon conviction thereof. All cases except conviction for issuance of worthless checks (Section 11-3-8) or retail theft (Section 11-3-7), such restitution shall be limited to the lesser of the amount of actual damages or Two Hundred Dollars (\$200.00).

**SEC. 1-1-8 CITY CLERK-TREASURER 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-Treasurer 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-Treasurer's office shall be considered public records open to reasonable examination by any person during the office hours of the City Clerk-Treasurer subject to such restrictions on examination as the City Clerk-Treasurer imposes for the preservation of the material.

## CHAPTER 2

### Enforcement of Ordinances; Issuance of Citations

1-2-1	Method of Enforcement
1-2-2	Information Contained in Citation
1-2-3	Form of Citation
1-2-4	Schedule of Deposits
1-2-5	Issuance of Citation
1-2-6	Procedure
1-2-7	Non-exclusivity

#### **SEC. 1-2-1 METHOD OF ENFORCEMENT.**

The City of Plymouth hereby elects to use the citation method of enforcement of ordinances. All City law enforcement officers and other City personnel charged with the responsibility of enforcing the provisions of this Code of Ordinances are hereby authorized pursuant to Sec. 66.0114(1)(a), Wis. Stats., to issue citations for violations of this Code of Ordinances, including ordinances for which a statutory counterpart exists.

#### **SEC. 1-2-2 INFORMATION CONTAINED IN CITATION.**

The citation shall contain the following:

- (a) The name and address of the alleged violator.
- (b) Factual allegations describing the alleged violation.
- (c) The time and place of the offense.
- (d) The section of the ordinance violated.
- (e) A designation of the offense in such manner as can readily be understood by a person making a reasonable effort to do so.
- (f) The time at which the alleged violator may appear in court.
- (g) A statement which in essence informs the alleged violator:
  - (1) That a cash deposit based on the schedule established by this Chapter may be made which shall be delivered or mailed to the Clerk of Circuit Court prior to the time of the scheduled court appearance.
  - (2) That if a deposit is made, no appearance in court is necessary unless he is subsequently summoned.
  - (3) 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.

- (4) 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.
- (h) 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 Subsection (a) above has been read. Such statement shall be sent or brought with the cash deposit.
- (i) Such other information as the City deems necessary or is required by state statute.

### **SEC. 1-2-3 FORM OF CITATION.**

The form of the citation to be used by the City of Plymouth is on file in the City Clerk-Treasurer's office and is adopted by reference as though fully set forth herein.

### **SEC. 1-2-4 SCHEDULE OF DEPOSITS.**

(a) The schedule of cash deposits shall be established for use with citations issued under this Chapter by the Common Council according to the penalty provision of this Code.

(b) Deposits shall be made in cash, money order or certified check to the Clerk of Circuit Court who shall provide a receipt therefore.

(c) Except for an action for a first violation of s. 23.33 (4c) (a) 2., 30.681 (1) (b) 1., 346.63 (1) (b), or 350.101 (1) (b), if the person who committed the violation had a blood alcohol concentration of 0.08 or more but less than 0.1 at the time of the violation, or for a violation of an ordinance in conformity with s. 347.48 (2m), the municipal judge shall collect a fee of Twenty-Eight Dollars (\$28.00) on each separate matter, whether it is on default of appearance, a plea of guilty or no contest, on issuance of a warrant or summons, or the action is tried as a contested matter. Of each fee received by the judge under this subsection, the municipal treasurer shall pay monthly Five Dollars (\$5.00) to the secretary of administration for deposit in the general fund and shall retain the balance for the use of the municipality.

### **SEC. 1-2-5 ISSUANCE OF CITATION.**

(a) **Law Enforcement Officer.** Any law enforcement officer may issue citations authorized under this Chapter.

(b) **City Officials.** The following City officials may issue citations with respect to those specified ordinances which are directly related to their official responsibilities:



- (1) Any law enforcement officer;
- (2) Fire Chief or Fire Inspector;
- (3) Building Inspector; Plumbing Inspector; Electrical Inspector; HVAC Inspector;
- (4) Utilities Manager;
- (5) Director of Public Works.

**SEC. 1-2-6 PROCEDURE.**

Section 66.0113(3), Wis. Stats., relating to violator's options and procedure on default, is hereby adopted and incorporated herein by reference.

**SEC. 1-2-7 NON-EXCLUSIVITY.**

(a) **Other Ordinance.** Adoption of this Chapter does not preclude the Common Council from adopting any other ordinance or providing for the enforcement of any other law or ordinance relating to the same or other matter.

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

## CHAPTER 3

### Annexations to the City

- 1-3-1 Annexation of Territory
- 1-3-2 Statement of Policy
- 1-3-3 Conditions Required Prior to Annexation

#### **SEC. 1-3-1 ANNEXATION OF TERRITORY.**

Annexation of territory contiguous to the City of Plymouth shall be in accordance with Sec. 66.0217, Wis. Stats. A petition for annexation shall be filed with the City Clerk and shall contain the following:

- (a) Names and addresses of all electors residing within the territory to be annexed.
- (b) Names and addresses of all owners of record of the territory to be annexed.
- (c) Full correct legal description of territory to be annexed.
- (d) Scale map showing boundaries of territory to be annexed and the relationship of such territory to the City of Plymouth municipal boundary, and to all other lands owned by the petitioners that are contiguous to the lands described in such annexation petition.
- (e) Affidavit showing mailing of a copy of the petition of annexation, with scale map attached, to the Clerk of the Township and to the Division of Intergovernmental Relations, Municipal Boundary Review, at 101 E. Wilson Street, 10th Floor, Madison, WI 53702-0001, or the then address thereof.
- (f) The Aldermanic District in which proposed to be included.
- (g) The proposed zoning district in which proposed to be included.

#### **SEC. 1-3-2 STATEMENT OF POLICY.**

It is the policy of the City of Plymouth to consider only those parcels for annexation which include all contiguous lands owned by the petitioner, unless specific exception be made upon recommendation of the Plan Commission and approved by the Common Council. All deferred special assessments and costs for the installation of water mains, sanitary sewer mains, storm sewer mains, sidewalks, and other assessable municipal improvements of benefit to such premises shall be paid in full as a condition of annexation unless specific exception be made by the Common Council, in which event such charges not

paid in full shall be a lien by special assessment procedure pursuant to Sec. 66.0703, Wis. Stats., and to which said lien all owners of the annexed territory shall consent in writing prior to adoption of an annexation ordinance.

**SEC. 1-3-3 CONDITIONS REQUIRED PRIOR TO ANNEXATION.**

Prior to adoption of an annexation ordinance by the Common Council, the following shall be furnished by the petitioner:

- (a) A warranty deed for all portion of such lands sought to be annexed within a current or proposed public right-of-way conveying the same to the City of Plymouth for right-of-way purposes.
- (b) A grant of permanent easement for such utility and drainage easements as may be deemed necessary by the City Plan Commission.
- (c) Full payment of any and all deferred special assessments levied by Resolution of the Common Council as may be applicable, outstanding and unpaid against said parcel sought to be annexed.
- (d) Full payment of any park dedication fees as may be required by the Plan Commission.
- (e) Full payment of all annexation petition review fees as are required by Wisconsin Statutes § 16.53(14) or suitable proof that such fees have in fact been paid to the Department of Administration together with the mailing of a copy of the annexation petition thereto. Such fees are as follows as of October 1, 2007, subject to change:

Initial File Fee:	2 acres of less	\$200
	2.01 acres or more	\$350
PLUS		
Review Fee:	2 acres or less	\$200
	2.01 - 10 acres	\$600
	10.01 - 50 acres	\$800
	50.01 - 100 acres	\$1,000
	100.01 - 200 acres	\$1,400
	200.01 - 500 acres	\$2,000
	Over 500 acres	\$4,000

In addition petitioner shall make payment to the City Clerk of any required re-zoning fee.

NOTE: A "Request For Annexation Review" form must accompany the petition copy mailed to the Division of Intergovernmental Relations, Municipal Boundary Review, at 101 E. Wilson Street, 10th Floor, Madison, WI 53702-0001.

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