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ORDINANCE NO.: 16-2009  
INTRODUCED BY: Drake  
SECONDED BY: Hornik

**THE COMMON COUNCIL OF THE CITY OF GILLETT, WISCONSIN, DO ORDAIN that Chapter 1, GENERAL PROVISIONS, Section 1-6 General penalty, is hereby repealed and recreated to read as follows:**

**§1-6. General penalty.**

General penalty. Except as provided in Subsection (C) of this section, whenever so provided 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:

- A. First offense penalty. Any person who shall violate any provision of this Code subject to a penalty shall, upon conviction thereof, forfeit not less than \$1.00 nor more than \$5,000 (unless as otherwise specified herein), 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 said forfeiture and costs are paid, but not exceeding 90 days.
- B. Second offense. Any person found guilty of violating any ordinance or part of an ordinance of this Code who has previously been convicted of a violation of the same ordinance within one year shall, upon conviction of second or subsequent violations, forfeit two times the bond as set by Common Council, together with the 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 are paid, but not exceeding six months.
- C. Penalty for minors.
  - (1) Any person who shall violate any provision of this Code shall be subject to the penalty provided in § 1-10 of this article, in addition to the specific penalties provided in this Code; provided, however, that in the event proceedings are commenced against children age 12 years or older for violations of this Code, the provisions of §§ 938.17(2), 938.237, 938.343, 938.344 and 938.37, Wis. Stats., or as said sections are amended, shall be applicable.



- (2) Any person violating §§ 346.77, 346.79(1), (2) and (3) or 346.80 to 346.804, Wis. Stats., may be required to forfeit an amount per state bond schedule. Any juvenile 12 years of age or over may be prosecuted for any violation of §§ 346.77, 346.79(1), (2) and (3) or 346.80 to 346.804, Wis. Stats., pursuant to §§ 938.17(2), 938.237, 938.343, 938.344 and 938.37, Wis. Stats.
- (3) Any person violating § 346.78 or 346.79(4), Wis. Stats., may be required to forfeit an amount per state bond schedule. Any juvenile 12 years of age or over may be prosecuted for any violations of § 346.78 or 346.79(4), Wis. Stats., pursuant to §§ 938.17(2), 938.237, 938.343, 938.344 and 938.37, Wis. Stats.

This Ordinance shall take effect upon passage and publication provided by law.

CITY OF GILLETT

By   
Thomas Lietz, Mayor

By   
Kaye Rundquist, Clerk

Adopted: 08-06-2009  
Published: 08-12-2009



# Chapter 1

## GENERAL PROVISIONS

### ARTICLE I Rules of Construction

- § 1-1. Rules established.
- § 1-2. Conflicts.
- § 1-3. Clerk/Treasurer to file documents incorporated by reference.
- § 1-4. Title; when effective; citation.
- § 1-5. Keeping Code current; revisor's amendments.

### ARTICLE II Penalties and Enforcement

- § 1-6. General penalty.
- § 1-7. Continued violations.
- § 1-8. Execution against defendant's property.
- § 1-9. Citations.
- § 1-10. Schedule of deposits.

### ARTICLE III Adoption of Code

- § 1-11. Adoption of Code.
- § 1-12. Code supersedes prior ordinances.
- § 1-13. Continuation of existing provisions.
- § 1-14. Copy of Code on file.
- § 1-15. Amendments to Code.
- § 1-16. Publication; filing.
- § 1-17. Code book to be kept up-to-date.
- § 1-18. Sale of Code book.
- § 1-19. Altering or tampering with Code; penalties for violation.
- § 1-20. Severability of Code provisions.
- § 1-21. Severability of ordinance provisions.
- § 1-22. Repealer.
- § 1-23. Ordinances saved from repeal.
- § 1-24. When effective.

**[HISTORY: Adopted by the Common Council of the City of Gillett as indicated in article histories. Amendments noted where applicable.]**

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### ARTICLE I Rules of Construction

**[Adopted as §§ 20.01, 20.02(1), 20.03, 20.07 and 20.08 of the former Municipal Code]**

#### § 1-1. Rules established.

In the construction of this Municipal Code, the following rules shall be observed unless such construction would be inconsistent with the manifest intent of the ordinance:

- A. Wisconsin Statutes. All references to "Wisconsin Statutes" or "Wis. Stats." shall mean the Wisconsin Statutes as of the publication of this Code and as amended.
- B. Gender; singular and plural. Every word in this Code and in any ordinance imparting the masculine gender may extend and be applied to females as well as males, and every word imparting the singular number only may extend and be applied to several persons

or things as well as to one person or thing, provided that these rules of construction shall not be applied to any provision which contains any express language excluding such construction or when the subject matter or context of such provision may be repugnant thereto.

- C. Person. The word "person" extends and applies to natural persons, firms, corporations, associations, partnerships or other bodies politic and to all entities capable of being sued, unless plainly inapplicable.
- D. Acts of agents. When a provision requires an act to be done which may by law as well be done by an agent as the principal, such requirement shall be construed to include all such acts when done by an authorized agent.

### **§ 1-2. Conflicts.**

If the provisions of the different chapters of this 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.

### **§ 1-3. Clerk/Treasurer to file documents incorporated by reference.**

Whenever in this Code any standard, code, rule, regulation 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 Clerk/Treasurer shall file, deposit and keep in his office a copy of the code, standard, rule, regulation or other written or printed matter as adopted. Materials so filed, deposited and kept shall be public records open for examination with proper care by any person during the Clerk/Treasurer's office hours, subject to such orders or regulations which the Clerk/Treasurer may prescribe for their preservation.

### **§ 1-4. Title; when effective; citation.**

These ordinances shall be known as the "Municipal Code of the City of Gillett" and shall take effect from and after passage and publication as provided in § 66.0103, Wis. Stats. All references thereto shall be cited by section number (example: § 13-6, Municipal Code of the City of Gillett).

### **§ 1-5. Keeping Code current; revisor's amendments.**

As each ordinance or resolution affecting the Municipal Code becomes effective, the City Clerk/Treasurer shall forward such ordinance or resolution to the revisor, who shall incorporate them into the Municipal Code. The revisor shall make no substantive changes to such ordinances and resolutions but may renumber, rearrange and edit them without first submitting them to the Common Council, and such rearranging, renumbering and editing shall not affect the validity of such ordinances and resolutions or the provisions of this Municipal Code affected thereby.

## ARTICLE II

## Penalties and Enforcement

[Adopted as §§ 20.04, 8.20 and 8.21 of the former Municipal Code]

**§ 1-6. General penalty.**

- A. First offense. Any person who shall violate any provision of this Code shall, upon conviction thereof, forfeit an amount as per bond schedule,<sup>1</sup> 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 90 days.
- B. Second offense. Any person found guilty of violating any ordinance or part of an ordinance of this Code who has previously been convicted of a violation of the same ordinance within one year shall, upon conviction of second or subsequent violations, forfeit two times the bond as set by Common Council, together with the 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 are paid, but not exceeding six months.
- C. Penalty for minors.
- (1) Any person who shall violate any provision of this Code shall be subject to the penalty provided in § 1-10 of this article, in addition to the specific penalties provided in this Code; provided, however, that in the event proceedings are commenced against children age 12 years or older for violations of this Code, the provisions of §§ 938.17(2), 938.237, 938.343, 938.344 and 938.37, Wis. Stats., or as said sections are amended, shall be applicable.
  - (2) Any person violating §§ 346.77, 346.79(1), (2) and (3) or 346.80 to 346.804, Wis. Stats., may be required to forfeit an amount per state bond schedule. Any juvenile 12 years of age or over may be prosecuted for any violation of §§ 346.77, 346.79(1), (2) and (3) or 346.80 to 346.804, Wis. Stats., pursuant to §§ 938.17(2), 938.237, 938.343, 938.344 and 938.37, Wis. Stats.
  - (3) Any person violating § 346.78 or 346.79(4), Wis. Stats., may be required to forfeit an amount per state bond schedule. Any juvenile 12 years of age or over may be prosecuted for any violation of § 346.78 or 346.79(4), Wis. Stats., pursuant to §§ 938.17(2), 938.237, 938.343, 938.344 and 938.37, Wis. Stats.

**§ 1-7. 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.

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1. Editor's Note: See Ch. A40, Bond Schedule.

**§ 1-8. Execution against defendant's property.**

Whenever any person fails to pay any forfeiture and costs of prosecution upon the order of any court for violation of any ordinance of the City, the court may, in lieu of ordering imprisonment of the defendant, or after the defendant has been released from custody, issue an execution against the property of the defendant for such forfeiture and costs.

**§ 1-9. Citations.**

A. Enforcement of nonstatutory violations. Pursuant to § 66.0113, Wis. Stats., the City hereby elects to use the citation method of enforcement of sections of this Code other than those for which a statutory counterpart exists.

B. Citation contents and form.

(1) Content of 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 Code 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 as follows:

- [1] That a cash deposit based on the schedule established in § 1-10 of this chapter may be made which shall be delivered or mailed to the Clerk of Gillett Municipal Court or to the Chief of Police 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 the alleged violator makes a cash deposit and does not appear in court, he either will be deemed to have tendered a plea of no contest and submitted to a forfeiture, a penalty assessment imposed by § 757.05, Wis. Stats., a jail assessment imposed by § 302.46(1), Wis. Stats., a crime laboratories and drug law enforcement assessment imposed by § 165.755, Wis. Stats., any applicable consumer protection assessment imposed by § 100.261, Wis. Stats., and any applicable domestic abuse assessment imposed by § 973.055(1), Wis. Stats., not to exceed the amount of the deposit or will be summoned into court to answer the complaint if the court does not accept the plea of no contest.



[4] That if the alleged violator does not make a cash deposit and does not appear in court at the time specified, the court may issue a summons or a warrant for the defendant's arrest or consider the nonappearance to be a plea of no contest and enter judgment under § 66.0113(3)(d), Wis. Stats., or the municipality may commence an action against the alleged violator to collect the forfeiture, the penalty assessment imposed by § 757.05, Wis. Stats., the jail assessment imposed by § 302.46(1), Wis. Stats., the crime laboratories and drug law enforcement assessment imposed by § 165.755, Wis. Stats., any applicable consumer protection assessment imposed by § 100.261, Wis. Stats., and any applicable domestic abuse assessment imposed by § 973.055(1), Wis. Stats.

[5] That if the court finds that the violation involves an ordinance that prohibits conduct that is the same as or similar to conduct prohibited by state statute punishable by fine or imprisonment or both, and that the violation resulted in damage to the property of or physical injury to a person other than the alleged violator, the court may summon the alleged violator into court to determine if restitution shall be ordered under § 800.093, Wis. Stats.

(h) A direction that if the alleged violator elects to make a cash deposit, it must be either mailed or delivered to the Clerk of Court or Chief of Police, who shall provide a receipt therefor.

(i) Such other information as the City deems necessary.

(2) Form of citation. The form of the citation to be used by the City shall be the one issued by the state.

C. Schedule of deposits.

(1) Established. A schedule of cash deposits is established for use with citations issued under this section and is set forth in § 1-10 of this chapter.

(2) Payment. Deposits shall be made in cash, personal check, money order or certified checks to the Clerk of Gillett Municipal Court or the Chief of Police, who shall provide a receipt therefor.

D. Issuance of citation.

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

(2) The Fire Inspector or Deputy Fire Inspector may issue citations for violations of § 12-10, Burning permits.

(3) The Building Inspector may issue citations for violations of Chapter 15, Nuisances, and Chapter 21, Zoning, of this Code.

E. Miscellaneous procedures.

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

- (2) The procedure to be followed for the enforcement of sections of this Code for which a statutory counterpart exists shall be that as set out in § 66.0114, Wis. Stats.

**F. Nonexclusivity.**

- (1) Other ordinances. The adoption of this section 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.
- (2) Other remedies. The issuance of a citation hereunder shall not preclude the City or any authorized officer from proceeding under any other section of this Code or law or by any other enforcement method to enforce any section of this Code, City resolution, or order.

**§ 1-10. Schedule of deposits. [Amended 10-7-2004 by Ord. No. 2004-20]**

The attached schedule of cash deposits<sup>2</sup> is established for use with the citation issued pursuant to provisions of this Code. The Municipal Court costs, state court costs, state penalty assessment and jail assessment figures as set forth herein shall be automatically amended at such time as said costs and/or assessments are amended by state statute. In addition, there shall be an additional cost of \$10 assessed to the defendant when the Municipal Court Clerk sends a letter of default judgment to the defendant and a fee of \$15 for a good cause letter and/or warrant. There shall also be a fee of \$50 assessed against the defendant for a blood draw fee in operating while under the influence cases when a blood draw is done. Said cost would be assessed against the defendant to reimburse the Municipal Court for the cost expended for such tasks. It is not necessary to amend the entire bond schedule in the event there is a change in state statute as such change shall automatically be incorporated as part of the attached bond schedule. For a second violation of any provisions of this Code which is not specifically provided for in the attached bond schedule, the deposit/forfeiture shall be twice the amount of the deposit/forfeiture for a first offense; there shall also be an increase in the penalty assessment amount for a second offense. The penalty for minors is provided for at § 1-6C of this article.

**ARTICLE III**

**Adoption of Code**

**[Adopted 12-2-2004 by Ord. No. 2004-24]**

**§ 1-11. Adoption of Code.**

Pursuant to § 66.0103, Wis. Stats., the ordinances of the City of Gillett of a general and permanent nature adopted by the Common Council of the City of Gillett, as revised, codified and consolidated into chapters and sections by General Code Publishers Corp., and consisting of Chapters 1 through 21, together with an Appendix, are hereby approved, adopted, ordained and enacted as the "Code of the City of Gillett," hereinafter referred to as the "Code."

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**2. Editor's Note: See Ch. A40, Bond Schedule.**

**§ 1-12. 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.

**§ 1-13. 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.

**§ 1-14. Copy of Code on file.**

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

**§ 1-15. 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 Common Council to make them a part thereof, shall be deemed to be incorporated into such Code so that reference to the "Code of the City of Gillett" 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.

**§ 1-16. Publication; filing.**

The Clerk/Treasurer of the City of Gillett, 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/Treasurer 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.

**§ 1-17. Code book to be kept up-to-date.**

It shall be the duty of the City Clerk/Treasurer, or someone authorized and directed by the Clerk/Treasurer, to keep up-to-date the certified copy of the book containing the Code required to be filed in the Clerk/Treasurer'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.

**§ 1-18. Sale of Code book.**

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

**§ 1-19. 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 City of Gillett 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.

**§ 1-20. 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.

**§ 1-21. 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.

**§ 1-22. 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.

**§ 1-23. Ordinances saved from repeal.**

The adoption of this Code and the repeal of ordinances provided for in § 1-22 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 October 7, 2004.
- 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 City'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.

**§ 1-24. When effective.**

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



Ordinance No. 2004-24

AN ORDINANCE TO REVISE AND CONSOLIDATE, AMEND, SUPPLEMENT AND CODIFY THE GENERAL ORDINANCES OF THE CITY OF GILLETT

The Common Council of the City of Gillett does hereby ordain as follows:

§ 1-11. Adoption of Code.

Pursuant to § 66.0103, Wis. Stats., the ordinances of the City of Gillett of a general and permanent nature adopted by the Common Council of the City of Gillett, as revised, codified and consolidated into chapters and sections by General Code Publishers Corp., and consisting of Chapters 1 through 21, together with an Appendix, are hereby approved, adopted, ordained and enacted as the "Code of the City of Gillett," hereinafter referred to as the "Code."

§ 1-12. 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.

§ 1-13. 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.

§ 1-14. Copy of Code on file.

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





§ 1-15. 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 Common Council to make them a part thereof, shall be deemed to be incorporated into such Code so that reference to the "Code of the City of Gillett" 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.

§ 1-16. Publication; filing.

The Clerk/Treasurer of the City of Gillett, 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/Treasurer 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.

§ 1-17. Code book to be kept up-to-date.

It shall be the duty of the City Clerk/Treasurer, or someone authorized and directed by the Clerk/Treasurer, to keep up-to-date the certified copy of the book containing the Code required to be filed in the Clerk/Treasurer'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.

§ 1-18. Sale of Code book.

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

§ 1-19. 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 City of Gillett 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.

§ 1-20. 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.

§ 1-21. 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.

§ 1-22. 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.

§ 1-23. Ordinances saved from repeal.

The adoption of this Code and the repeal of ordinances provided for in § 1-22 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 October 7, 2004.
- 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.



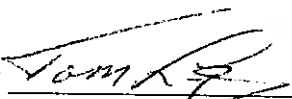
Code Adoption Ordinance

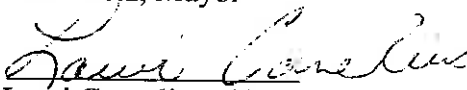
- F. Any ordinance providing for the laying out, opening, altering, widening, relocating, straightening, establishing grade, changing name, improvement, acceptance or vacation of any right-of-way, easement, street, road, highway, park or other public place or any portion thereof.
- G. Any ordinance appropriating 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 City'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.

§ 1-24. When effective.

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

CITY OF GILLETT

By   
Tom Lietz, Mayor

By   
Lauri Cornelius, Clerk/Treasurer

Adopted: 12-2-04  
Published: 12-8-04

