

TOWN OF LAFAYETTE
CREATION OF A CODE OF ORDINANCES
ORDINANCE 1 - 01

WHEREAS, the Town Board of the Town of LaFayette as part of the process of creating a Code of Ordinances has determined that there is a need for an ordinance in this proposed Code of Ordinances that will contain general provisions governing the Code of Ordinances;

NOW, THEREFORE, the Town Board of the Town of LaFayette, Walworth County, Wisconsin does hereby ordain to create Ordinance Number 1 of the proposed Code of Ordinances:

SECTION 1.0 PURPOSE

The purpose of this ordinance is to simplify, clarify and collect all ordinances of the Town into one coherent code for ease of reference and usage.

SECTION 2.0 AUTHORITY

This ordinance is enacted under the authority of § 60.22(1)(3) of the WI Statutes, which provide that the Town Board has charge of all affairs of the Town, and together with the Village Powers of which it has adopted under Chapter 61 hereby creates a Code of Ordinances beginning with the general provisions of this ordinance.

SECTION 3.0 CODE OF ORDINANCES

The Town Code of Ordinances is hereby adopted and enacted as the "Code of Ordinances of the Town of LaFayette" and shall be treated and considered as a new and original comprehensive ordinance which shall supersede all other general and permanent ordinances of the Town passed on or before the effective date of this ordinance. No resolution of the Town Board, or action taken by the Town meeting pursuant to Subchapter III of Chapter 60 of the Wisconsin Statutes, not specifically mentioned, is hereby repealed. Adoption of this ordinance shall not affect any action previously taken or permits granted or issued under ordinances previously in effect.

SECTION 4.0 CLERK TO KEEP COPY

A copy of the Code shall be kept on file in the office of the Town Clerk, preserved in loose-leaf form, or such other form as the town clerk may consider most expedient. It shall be the duty of the town clerk or someone authorized by the town clerk to insert in their designated places all amendments, ordinances or resolutions which indicate the intent of the Town Board to make the same a part of the Code when the same have been printed or reprinted in page form, and to extract from the Code all provisions which may be revealed from time to time by the Town Board. A copy of the Code shall be available for all persons desiring to examine it.

SECTION 5.0 CLERK TO FILE DOCUMENTS INCORPORATED BY REFERENCE

Whenever in this Code any standard, 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; and the clerk shall file, deposit and keep in her/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 record open for examination with proper care by any person during the clerk's office hours, subject to such orders or regulations the clerk may prescribe for their preservation.

SECTION 6.0 PROVISIONS CONSIDERED AS CONTINUATION OF EXISTING ORDINANCES

The provisions appearing in this Code so far as they are the same as those existing ordinances at the time of the adoption of this Code shall be considered as continuations and not new enactments.

SECTION 7.0 CONFLICTING PROVISIONS

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.

SECTION 8.0 EFFECT OF AMENDMENTS TO CODE

Any and all additions and amendments to this Code, when passed in such form as to indicate the intention of the Town to make the addition or amendment a part of this Code, shall be deemed to be incorporated in this Code so that reference to the Code of Ordinances of the Town of LaFayette shall be understood and intended to include such additions and amendments.

SECTION 9.0 CATCHLINES OF SECTIONS

The catchlines of the several sections of this Code printed in boldface type are intended as mere catchwords to indicate the contents of the sections and shall not be deemed or taken to the titles of such sections; nor, unless expressly so provided, shall they be so deemed when any such sections, including the catchlines, are amended or reenacted.

SECTION 10.0 CODE DOES NOT AFFECT PRIOR OFFENSES, RIGHTS, PENALTIES

Nothing in this Code or the ordinance adopting this Code shall affect any offense or act committed or done, or any penalty or forfeiture incurred, or any contract or right established or accruing before the effect date of this Code.

SECTION 11.0 EFFECT OF REPEALS

The repeal or amendment of any section or provision of this Code or of any other ordinance or resolution of the Town Board shall not:

- A. By implication be deemed to revive any ordinance not in force or existing at the time at which such repeal or amendment takes effect.
- B. Affect any vested right, privilege, obligation or liability acquired, accrued or incurred under any enactment so repealed or amended, unless the privilege of repealing such obligation or privilege has been reserved by the Town of LaFayette.
- C. Affect any offense committed or penalty or forfeiture incurred previous to the time when any ordinance shall be repealed or amended; except that when any forfeiture or penalty shall have been mitigated by the provisions of any ordinance, such provisions shall apply to and control any judgment to be pronounced after such ordinance takes effect for any offense committed before that time.
- D. Affect any prosecution for any offense, or the levy of any penalty or forfeiture pending at the time when any ordinance shall be repealed or amended, but the right of action shall continue and the offender shall be subject to the penalty as provided in such ordinances, and such prosecution shall proceed, in all respects, as if such ordinance had not been repealed, except that all such proceedings had after the time this Code shall take effect shall be conducted according to the provisions of this Code.

SECTION 12.0 SEVERABILITY

If any provision of any ordinance included in this Code of Ordinances is invalid or unconstitutional, or if the application of any ordinance to any person or circumstances is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions or application of any ordinance which can be given effect without the invalid or unconstitutional provision or application.

This Ordinance adopted by the Town Board of the Town of LaFayette on this 8th day of April 2009.

Bruno Schiffleger, Chair

Passed this day: 04.08.2009

Barbara A Fischer, Town Clerk-Treasurer

Filed this day: 04.08.2009