

Title 1

GENERAL PROVISIONS

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Chapter 1.01

CODE ADOPTION*

Sections:

- 1.01.010 Adoption.**
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- 1.01.070 Effect Of Code On Past Actions And Obligations.**
- 1.01.080 Constitutionality.**

* Prior Ordinance history: Ord. 74-7-1.

1.01.010 Adoption.

There is adopted the "Village of Twin Lakes Municipal Code," as compiled, edited and published by Book Publishing Company, Seattle, Washington. (Ord. 96-11-3).

1.01.020 Title--Citation--Reference.

This Code shall be known as the "Village of Twin Lakes Municipal Code" and it shall be sufficient to refer to said Code as the "Village of Twin Lakes Municipal Code" in any prosecution for the violation of any provision thereof or in any proceeding at law or equity. It shall be sufficient to designate any Ordinance adding to, amending, correcting or repealing all or any part or portion thereof as an addition to, amendment to, correction or repeal of the "Village of Twin Lakes Municipal Code." Reference may be made to the Titles, Chapters, Sections, and subsections of the "Village of Twin Lakes Municipal Code" and such references shall apply to those Titles, Chapters, Sections or subsections as they appear in the Code. (Ord. 96-11-3 § 2).

1.01.030 Reference Applies To All Amendments.

Whenever a reference is made to this Code as the "Village of Twin Lakes Municipal Code" or to any portion thereof, or to any Ordinance of the Village of Twin Lakes, Wisconsin, codified herein, the reference shall apply to all amendments, corrections and additions heretofore, now or hereafter made.(Ord. 96-11-3 § 3).

1.01.040 Title, Chapter And Section Headings.

Title, Chapter and Section headings contained herein shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of the provisions of any Title, Chapter or Section hereof. (Ord. 96-11-3 § 4).

1.01.050 Reference To Specific Ordinances.

The provisions of this Code shall not in any manner affect matters of record which refer to, or are otherwise connected with Ordinances which are therein specifically designated by number or otherwise and which are included within the Code, but such reference shall be construed to apply to the corresponding provisions contained within this Code. (Ord. 96-11-3 § 5).

1.01.060 Ordinances Passed Prior To Adoption Of The Code.

The last Ordinance included in this Code was Ordinance 96-7-9, passed July 8, 1996. The following Ordinances, passed subsequent to Ordinance 96-7-9, but prior to adoption of this Code, are adopted and made a part of this Code: Ordinances 96-8-5 and 96-9-1. (Ord. 96-11-3 § 6).

1.01.070 Effect Of Code On Past Actions And Obligations.

The adoption of this Code does not affect prosecutions for Ordinance violations committed prior to the effective date of this Code, does not waive any fee or penalty due and unpaid on the effective date of this Code, and does not affect the validity of any bond or cash deposit posted, filed or deposited pursuant to the requirements of any Ordinance. (Ord. 96-11-3 § 7).

1.01.080 Constitutionality.

If any Section, subsection, sentence, clause or phrase of this Code is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Code. (Ord. 96-11-3 § 8).

Chapter 1.04

GENERAL PROVISIONS

Sections:

- 1.04.010 Definitions.**
- 1.04.020 Construction Of Words And Phrases.**
- 1.04.030 Acts By Agent Of Principal Person.**
- 1.04.040 Grammatical Interpretation.**
- 1.04.050 Prohibited Acts Include Causing, Permitting, Etc.**
- 1.04.060 Intent Of Provisions.**
- 1.04.070 Repeal Not To Revive Ordinances.**

1.04.010 Definitions.

The following words and phrases whenever used in the Ordinances of the Village of Twin Lakes, Wisconsin, shall be construed as defined in this Section unless from the context a different meaning is intended or unless a different meaning is specifically defined and more particularly directed to the use of such words or phrases:

A. "Computation of time" means the time within which an act is to be done. It shall be computed by excluding the first day and including the last day; and if the last day is Sunday or a legal holiday, that day shall be excluded.

B. "Council" means the Village Board of the Village of Twin Lakes, Wisconsin. "All its members" or "all councilmen" mean the total number of councilmen provided by the general laws of the state of Wisconsin.

C. "County" means the County of Kenosha.

D. "Law" denotes applicable federal law, the constitution and statutes of the State of Wisconsin, the Ordinances of the Village of Twin Lakes, and when appropriate, any and all Rules and Regulations which may be promulgated thereunder.

E. "May" is permissive.

F. "Month" means a calendar month.

G. "Must" and "Shall." Each is mandatory.

H. "Oath" shall be construed to include an affirmation or declaration in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the words "swear" and "sworn" shall be equivalent to the words "affirm" and "affirmed."

I. "Or" may be read "and" and "and" may be read "or" if the sense requires it.

J. "Ordinance" means a law of the Village; provided that a temporary or special law, administrative action, order or directive, may be in the form of a Resolution.

K. "Owner" applied to a building or land includes any part owner, joint owner, tenant in common, joint tenant or tenant by the entirety, of the whole or a part of such building or land.

L. "Person" means a natural person, joint venture, joint stock company, partnership, association, club, company, corporation, business, trust, organization, or the manager, lessee, agent, servant, officer or employee of any of them.

M. "Personal property" includes money, goods, chattels, things in action and evidences of debt.

N. "Preceding" and "following" mean next before and next after, respectively.

O. "Property" includes real and personal property.

P. "Real property" includes lands, tenements and hereditaments.

Q. "Sidewalk" means that portion of a street between the curb line and the adjacent property line intended for the use of pedestrians.

R. "State" means the State of Wisconsin.

S. "Street" includes all streets, highways, avenues, lanes, alleys, courts, places, squares, curbs, or other

public ways in this Village which have been or may hereafter be dedicated and open to public use, or such other public property so designated in any law of this state.

T. “Tenant” and “occupant,” applied to a building or land, includes any person who occupies whole or a part of such building or land, whether alone or with others.

U. Title of Office. Use of the Title of any Officer, employee, Board or Commission means that Officer, employee, department, Board or Commission of the Village.

V. “Village” means the Village of Twin Lakes, Wisconsin, or the area within the territorial limits of the Village of Twin Lakes, Wisconsin, and such territory outside of the Village over which the Village has jurisdiction or control by virtue of any constitutional or statutory provision.

W. “Written” includes printed, typewritten, mimeographed or multigraphed.

X. “Year” means a calendar year. (Ord. 1.04 § 1 (1--24), 10/30/73).

1.04.020 Construction Of Words And Phrases.

All words and phrases shall be construed and understood according to the common and approved usage of the language, but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in the law shall be construed and understood according to such peculiar and appropriate meaning. (Ord. 1.04 § 1 (25), 10/30/73).

1.04.030 Acts By Agent Of Principal Person.

When an act is required by an Ordinance the same being such that it may be done as well by an agent as by the principal, such requirement shall be construed as to include all such acts performed by an authorized agent. (Ord. 1.04 § 1 (26), 10/30/73).

1.04.040 Grammatical interpretation.

The following grammatical rules shall apply in the Ordinances of the Village:

A. Gender. The masculine gender includes the feminine and neuter genders.

B. Singular and Plural. The singular number includes the plural and the plural includes the singular.

C. Tenses. Words used in the present tense include the past and the future tenses and vice versa, unless manifestly inapplicable.

D. Use of Words and Phrases. Words and phrases not specifically defined shall be construed according to the context and approved usage of the language. (Ord. 1.04 § 2, 10/30/73).

1.04.050 Prohibited Acts Include Causing, Permitting, Etc.

Whenever in the Ordinances of the Village, any act or omission is made unlawful, it shall include causing, allowing, permitting, aiding, abetting, suffering, or concealing the fact of such act or omission. (Ord. 1.04 § 3, 10/30/73).

1.04.060 Intent Of Provisions.

The provisions of the Ordinances of the Village and all proceedings under them are to be construed with a view to effect their objects and to promote justice. (Ord. 1.04 § 4, 10/30/73).

1.04.070 Repeal Not To Revive Ordinances.

The repeal of an Ordinance shall not repeal the repealing clause of such Ordinance or revive any Ordinance which has been repealed thereby. (Ord. 1.04 § 5, 10/30/73).

Chapter 1.08

RIGHT OF ENTRY FOR INSPECTION

Sections:

1.08.010 Right Of Entry For Inspection.

1.08.020 Amendment Of Other Provisions.

1.08.010 Right Of Entry For Inspection.

Whenever necessary to make an inspection to enforce any Ordinance or Resolution, or whenever there is reasonable cause to believe there exists an Ordinance or Resolution violation in any building or upon any premises within the jurisdiction of the Village, any authorized official of the Village may, upon presentation of proper credentials, enter such building or premises at all reasonable times to inspect the same or to perform any duty imposed upon him by Ordinance; provided, that except in emergency situations or when consent of the owner and/or occupant to the inspection has been otherwise obtained, he shall give the owner and/or occupant, if they can be located after reasonable effort, twenty-four (24) hours written notice of the authorized official's intention to inspect. The notice transmitted to the owner and/or occupant shall state that the property owner has the right to refuse entry and that in the event such entry is refused, inspection may be made only upon issuance of a search warrant by a duly authorized magistrate. In the event the owner and/or occupant refuses entry after such request has been made, the official is empowered to seek assistance from any Court of competent jurisdiction in obtaining such entry. (Ord. 1.08 1, 10/30/73).

1.08.020 Amendment Of Other Provisions.

All other Ordinances or parts of Ordinances which grant any official of this Village a right of entry are amended to delete such right of entry provisions and insert in their stead the following:

“Any official of the Village shall have the right of entry into buildings or premises regulated by this Ordinance in accordance with the provisions of Ordinance 1.08.” (Ord. 1.08 § 2, 10/30/73).

Chapter 1.12

GENERAL PENALTY*

Sections:

1.12.010 General Penalty.

* Editor's note: Specific penalty Sections have been editorially amended to refer to this general penalty at the direction of the Village.

1.12.010 General Penalty.

A. In any case where there is a violation of any Village Ordinance for which no penalty is provided, the person violating the same shall be subject to a forfeiture of not less than ten dollars (\$10.00) nor more than five hundred dollars (\$500.00) for each offense, except as provided in the following subsection.

B. In any case where any Ordinance or Section of an Ordinance of the Village does not provide a greater penalty for a second or subsequent violation thereof shall be subject to a forfeiture of not less than ten dollars (\$10.00) nor more than one thousand dollars (\$1000.00) for each offense, except as provided in the following subsection.

C. No violation of any Ordinance of the Village shall be, or be construed to be, a misdemeanor nor shall imprisonment be imposed as a punishment for violation of any Ordinance of the Village except in the event of a failure of the defendant to pay the forfeiture imposed by the Court, any other provision of the general Ordinances of the Village to the contrary notwithstanding.

D. When a forfeiture is imposed for the violation of any Ordinance of the Village or any Section thereof the Court may also order the defendant to pay the cost of the action and to be imprisoned until such forfeiture and costs are paid, in no case, however, to exceed ninety (90) days, and the Court may also issue an execution against the property of the defendant for said forfeiture and costs.

E. This Section shall not be construed to authorize imprisonment of a defendant for failure to pay forfeiture or costs solely because the defendant is indigent and cannot forthwith pay his fine in full.

(Ord. 2014-6-3(B); Editorially amended by Village Board 7/8/96; Ord. 78-8-1, 1978; Ord. passed 9/27/73).

Chapter 1.16

OFFICIAL MAP

Sections:

- 1.16.010 Intent Of Provisions.**
- 1.16.020 Authority.**
- 1.16.030 Establishment And Contents.**
- 1.16.040 Changes And Additions.**
- 1.16.050 Building Permits.**
- 1.16.060 Municipal Improvements.**
- 1.16.070 Appeals.**
- 1.16.080 Certified Copy.**
- 1.16.090 Filing With County.**
- 1.16.100 Enforcement.**
- 1.16.110 Penalty For Violation.**

1.16.010 Intent Of Provisions.

It is the intent of the Village Board to establish an Official Map for the Village for the purpose of conserving and promoting the public health, safety, commerce, economy, orderliness and general welfare of the Village; to further the orderly layout and use of land; to stabilize the location of real property boundary lines; to ensure proper legal descriptions and proper monumenting of land; to facilitate adequate provision for transportation, parks, playgrounds, and storm water drainage; and to facilitate the further subdivision of larger tracts into smaller parcels of land. (2 of Ord. passed 5/14/73).

1.16.020 Authority.

The Ordinance codified in this Chapter is enacted under the authority granted by Sections 61.35 and 62.23(6) of the Wisconsin Statutes. (Editorially amended per approval by Village Board 7/8/96; § 3 of Ord. passed 5/14/73).

1.16.030 Establishment And Contents.

The Official Map shall show the location and width of all platted and existing streets, highways and parkways, and the location and extent of parks and playgrounds within that part of the Village and its extraterritorial plat approval jurisdictional area, as heretofore laid out, adopted and established by law. There is established, as the Official Map of the Village the map which is on file in the Office of the Village Clerk/Treasurer and is made a part of this Chapter bearing the date of May 14, 1973. This map is designed as the "Official Map of the Village of Twin Lakes," and all notations, references and other information shown thereon shall be as much a part of this Chapter as though the matters and information thereon were fully described herein. (4 of Ord. passed 5/14/73).

1.16.040 Changes And Additions.

A. The Village Board may change or add to the Official Map so as to establish the exterior lines of, widen, narrow, extend, or close any platted, existing, proposed or planned streets, highways, parkways, parks or playgrounds.

B. The Village Board shall refer any change or addition to the Official Map to the Village Plan Commission for review and report thereon prior to adoption. The Village Plan Commission shall report their recommendation to the Village Board within sixty (60) days.

C. Changes and additions for the locating, widening or closing, or the approval of the locating, widening or closing of streets, highways, parkways, parks or playgrounds by the Village under provisions of law other

than this Section shall be deemed to be a change or addition to the Official Map.

D. A Public Hearing of parties in interest and citizens before the Village Board shall be required before any changes or additions to the Official Map are effective, including those changes and additions made under provisions of law other than this Section. Notice of the Public Hearing shall be published as a class two notice under Chapter 985 of the Wisconsin Statutes.

E. Changes and additions made by duly approved subdivision plats shall not require the Public Hearing if the changes or additions do not affect any land outside the area being platted. (5 of Ord. passed 5/14/73).

1.16.050 Building Permits.

A. For the purpose of preserving the integrity of the Official Map, a building permit shall be required for any structure or part thereof that shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted or structurally altered. No permit shall hereafter be issued for any building in the bed of any existing or proposed street, highway or parkway shown on the Official Map. No permit for the erection of any building shall be issued unless a street, highway or parkway giving access to such proposed structure has been duly placed on this map.

B. The Building Inspector may require each applicant for a building permit to submit a plan prepared and certified by a registered land surveyor showing accurately the location of any proposed building with reference to any street, highway or parkway shown on the Official Map. (6 of Ord. passed 5/14/73) .

1.16.060 Municipal improvements.

No public sewer or other municipal street utility or improvement shall be constructed in any street, highway or parkway within that part of the Village until such street, highway or parkway is duly placed on the Official Map. (7 of Ord. passed 5/14/73).

1.16.070 Appeals.

The Board of Zoning Appeals shall have the power to review any administrative decision of the Village Building Inspector to deny a permit for the erection of a structure under this Chapter and to grant relief from the requirements of this Chapter under the provisions of Section 62.23(6)(d), (f) and (g) of the Wisconsin Statutes. (8 of Ord. passed 5/14/73).

1.16.080 Certified Copy.

There shall be a certified copy of the Official Map described in Section 1.16.030. The certified copy shall be kept in the office of the Village Clerk/Treasurer, and shall be available for inspection by any interested person during regular office hours. The certified copy shall bear on its face a certification that it is a true copy of the Official Map described in this Chapter and shall show the date of adoption of the Ordinance codified in this Chapter and shall be signed by the Village President and countersigned by the Village Clerk/Treasurer. Thereafter no change or addition to the Official Map shall become effective until it shall have been indicated by the appropriate convention on the aforesaid certified copy of the Official Map and a certificate placed thereon or attached thereto bearing the number and date of adoption of the amending Ordinance. The certificate shall be signed by the Village President and countersigned by the Village Clerk/Treasurer. (9 of Ord. passed 5/14/73).

1.16.090 Filing With County.

The Village Clerk/Treasurer shall be responsible immediately upon adoption of the Official Map or any amendment thereto for recording a true copy of the amended Official Map with the Register of Deeds of the County. (10 of Ord. passed 5/14/73).

1.16.100 Enforcement.

It shall be the duty of the Village Building Inspector and the Chief of Police to enforce the provisions of this Chapter. (11 of Ord. passed 5/14/73).

1.16.110 Penalty For Violation.

A. Any person, firm or corporation who fails to comply with the provisions of this Chapter shall, upon conviction thereof, be subject to penalty as provided in Section 1.12.010.

B. No damages shall be allowed for the taking by any governmental agency, for street, highway and parkway purposes, any building erected in violation of this Chapter. (12 of Ord. passed 5/14/73).