

ORDINANCE 1054

CODIFICATION OF 2009 CITY CODE

THE CITY COUNCIL OF THE CITY OF LAKE MILLS, JEFFERSON COUNTY, WISCONSIN, DOES ORDAIN AS FOLLOWS:

Section 1. Preface: The Lake Mills Municipal Code, which was last formally codified in 1984, with the exception of specified parts thereof, has been kept current by regular supplementation through Ordinance 1053B by the Revisor of Ordinances and under the supervision of the City Attorney since January 1, 1995. The Revisor has performed such supplementation in accordance with the requirements as set forth by the Council in Sections 1-1-3 and 1-1-4 when it adopted its 1984 City Code.

The 1984 City Code, with its regular supplementation, has now been republished and is presented as the 2009 City Code. This ordinance is adopted by the City Council in accordance with the requirements of §§ 66.0103 and 62.11(4), Wis. Stats., after a copy of this 2009 City Code, which is incorporated herein by reference, has been made available for public inspection since November 2, 2009, in the Office of the City Clerk, as well as on the City's website.

The 2009 City Code will continue to be periodically updated under this ordinance to remain current with regard to ordinances passed by the City Council. The City Attorney is also authorized to present modifications to the 2009 Code without seeking an ordinance sponsor so that Code provisions may be kept up to date when such changes become necessary due to legislative enactments or court judgments.

Section 2. Chapter 1 of Title 1 of the Lake Mills Municipal Code is hereby amended as follows:

CHAPTER 1

OFFICIAL MUNICIPAL CODE

SECTION:

1-1-1: Title
1-1-2: Acceptance
1-1-3: Amendments
1-1-4: Code Alteration

1-1-1: **TITLE:** Upon the adoption by the City Council, this City Code is hereby declared to be and shall hereafter constitute the official 2009 Code of the City. This 2009 City Code of ordinances shall be known and cited as the LAKE MILLS CITY- MUNICIPAL CODE, and it is hereby published by authority of the Council and shall be kept up to date as provided in Section 1-1-3 of this Chapter. Any reference to the number of any section contained herein shall be understood to refer to the position of the same number, its appropriate chapter and title heading, and to the general penalty clause relating thereto, as well as to the section itself, when reference is made to this City Code by title in any legal documents.

1-1-2: **ACCEPTANCE:** The 2009 City Code, as hereby presented in printed form, shall hereafter be received without further proof in all courts and in all administrative tribunals of this State as the ordinances of the City of general and permanent effect, except the excluded ordinances enumerated in Section 1-2-1 of this Code.

1-1-3: **AMENDMENTS:** Any ordinance amending the City Code shall set forth the title, chapter and section number of the section or sections to be amended, and this shall constitute sufficient compliance with any statutory requirement pertaining to the amendment or revision by ordinance of any part of this City Code. All such amendments or revisions by ordinance shall be immediately forwarded to the ~~codifier~~ Revisor of Ordinances and the said ordinance material shall be prepared for insertion in its proper place in each copy of this City Code. Each such replacement page shall be properly identified and shall be inserted in each individual copy of the City Code immediately upon receipt thereof by the possessor of each individual copy of the City Code. The Revisor of Ordinances, under the direction of the City Attorney and without the need to have the ordinances formally amended, may make minor corrections for such things as obvious typographical errors, the renumbering of section numbers, if necessary, so that such sections may be incorporated into their intended location in the City Code, and obvious spelling errors, provided that the substantive meanings of the ordinances are not materially altered.

1-1-4: **CODE ALTERATION:** It shall be deemed unlawful for any person to alter, change, replace or deface in any way any section or any page of this 2009 City Code in such a manner that the meaning of any phrase or order may be changed or omitted. Replacement pages ~~may~~ shall be inserted according to the official instructions when so authorized by the City Council. The City Clerk-Treasurer shall see that the replacement pages are properly inserted in the official copies maintained in the office of the Clerk-Treasurer. Any person having in his custody an official copy of the 2009 City Code shall make every effort to maintain said Code in an up-to-date and efficient manner. He shall see to the immediate insertion of new or replacement pages when such are delivered to him or made available to him ~~through the office of the City Clerk-Treasurer~~ by the Revisor of Ordinances, and under the authority of the City Clerk-Treasurer. Said Code books, while in actual possession of officials and other interested persons, shall be and remain the property of the City and shall be returned to the office of the Clerk-Treasurer when directed to do so by order of the City Council. (1984 Code)

1-1-5: **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 City Clerk-Treasurer is hereby directed and required to 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 City Clerk-Treasurer's office hours, subject to such orders or regulations which the City Clerk-Treasurer may prescribe for their preservation. (1971 Code, sec. 20.03)

Section 3. Chapter 2 of Title 1 of the Lake Mills Municipal Code is hereby amended as follows:

CHAPTER 2

SAVING CLAUSE

SECTION:

- 1-2-1: ~~Repeal of~~ General Ordinances
- 1-2-2: Public Utility Ordinances
- 1-2-3: Court Proceedings
- 1-2-4: Severability Clause

1-2-1: **REPEAL OF GENERAL ORDINANCES:** All general ordinances of the City passed prior to the adoption of this 2009 City Code are hereby repealed, ~~except unless such previously adopted general ordinances~~ as are included in this City Code or are by necessary implication herein reserved from repeal (subject to the saving clauses contained in the following sections), and excluding the following ordinances which are not hereby repealed: tax levy ordinances, appropriation ordinances; ordinances relating to boundaries and annexations; franchise ordinances and other ordinances granting special rights to persons or corporations; contract ordinances and ordinances authorizing the execution of a contract or the issuance of warrants; salary ordinances; ordinances establishing, naming or vacating streets, alleys or other public places; improvement ordinances, bond ordinances; ordinances relating to elections; ordinances relating to the transfer or acceptance of real estate by or from the City; and all special ordinances; and all charter ordinances.

1-2-2: **PUBLIC UTILITY ORDINANCES:** No ordinance relating to ~~railroad crossings with streets and other public ways, or relating~~ to the conduct, duties, service or rates of public utilities shall be repealed by virtue of the adoption of this 2009 City Code or by virtue of the preceding Section, excepting as the city code may contain provisions for such matters, in which case this City Code shall be considered as amending such ordinance or ordinances in respect to such provisions only.

1-2-3: **COURT PROCEEDINGS:** No new ordinances shall be construed or held to repeal a former ordinance whether such former ordinance is expressly repealed or not, as to any offense committed against such former ordinance or as to any act done, any penalty, forfeiture or punishment so incurred, or any right accrued or claim arising under the former ordinance, or in any way whatever to affect any such offense or act so committed or so done, or any penalty, forfeiture or punishment so incurred or any right accrued or claim arising before the new ordinance takes effect, save only that the proceedings thereafter shall conform to the ordinance in force at the time of such proceeding, so far as practicable, if any penalty, forfeiture or punishment be mitigated by any provision of a new ordinance, such provision may be, by consent of the party affected, applied to any judgment announced after the new ordinance takes effect. This Section shall extend to all repeals, either by express words or implication, whether the repeal is in the ordinance making any new provisions upon the same subject or in any other ordinance. Nothing contained in this Chapter shall be construed as abating any action now pending under or by virtue of any general ordinance of the city herein repealed and the provisions of all general ordinances contained in this Code shall be deemed to be continuing provisions and not a new enactment of the same provision; nor shall this Chapter be deemed as discontinuing, abating, modifying or altering any penalty accrued or to accrue, or as affecting the liability of any person, firm or corporation, or as waiving any right of the city under any ordinance or provision thereof in force at the time of the adoption of this 2009 City Code.

1-2-4: **SEVERABILITY CLAUSE:** If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this 2009 City Code or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Code, or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional, invalid or ineffective. (1984 Code)

Section 2. This ordinance was sponsored by Council Member Pamela Lazaris.

Section 3. This ordinance shall be in full force and effect from and after its passage and publication as provided by law.

Adopted this _____ day of _____, 2009.

Ed Grunden, Council President

Attest:

James E. Heilman, City Clerk-Treasurer