

TITLE 1

General Provisions

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CHAPTER 1

Use and Construction

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SEC. 1-1-0 GENDER NEUTRALITY AND EQUALITY.

- (a) In this Code of Ordinances, the words "Council Member" shall be used in place of the word "Alderman" whenever the word "Alderman" appears in said Code.
- (b) In this Code of Ordinances, the word(s) "he/she" shall be used in place of the word "he" or the word "she" whenever the word "he" or the word "she" appears in said Code.
- (c) In this Code of Ordinances, the word(s) "his/her" shall be used in place of the word "his" or the word "her" whenever the word "his" or the word "her" appears in said Code.
- (d) In this Code of Ordinances, the word "Chair" shall be used in place of the word "Chairman" whenever the word "Chairman" appears in said Code.
- (e) All future ordinances, resolutions or other official actions of the Council shall incorporate these changes.
- (f) All employees of the City of Neillsville and all members of the Boards, Committees and Commissions are encouraged to be sensitive to the gender issue and further encouraged to adopt gender neutral or gender equal attitudes in all forms of communication.

Created: Ord. 928, 3/14/95

SEC. 1-1-1 TITLE OF CODE: CITATION.

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

SEC. 1-1-2 PRINCIPLES OF CONSTRUCTION.

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

- (1) 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.
- (2) 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 General Ordinances of the City of Neillsville unless the context of the section clearly indicates otherwise.
- (3) 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.
- (4) Fine. The term "fine" shall be the equivalent of the word "forfeiture," and vice versa.
- (5) Gender. Every word in these Ordinances referring to the masculine gender shall also be construed to apply to females, and vice versa.
- (6) 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.
- (7) 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.
- (8) 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.
- (9) 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.
- (10) 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.
- (11) Tense. The use of any verb in the present tense shall not preclude the interpretation of the verb in the future tense where appropriate.
- (12) Wisconsin Statutes. The term "Wisconsin Statutes" and its abbreviation as "Wis. Stats." shall mean, in these Ordinances, the Wisconsin Statutes for the year 1981-1982.
- (13) 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 Municipal Code 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 Neillsville, 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. 66.035, Wis. Stats.

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

- (a) 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:
 - (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; bonding ordinances;
 - (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; budget ordinances;
 - (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 the prescribing the street grades of any streets in the City;
 - (8) Any ordinance or resolution providing for local improvements or assessing taxes therefor;
 - (9) Any ordinance or resolution dedicating or accepting any plat or subdivision in the City;
 - (10) Any ordinance annexing property to the City;
 - (11) Any ordinance or resolution regulating the erection, alteration, repair, demolition, moving or removal of buildings or other structures;
 - (12) Zoning ordinances; one- and two-family dwelling building code; Ordinance #818 regulating the height of structures and trees in the vicinity of the Neillsville Municipal Airport; waterfront or bulkhead property lines;
 - (13) Charter ordinances;
 - (14) Any personnel, collective bargaining employment contracts or agreements.
- (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. Nor shall the repeal be construed to revive any ordinance or part of an ordinance that has been repealed by a subsequent ordinance which is repealed by this ordinance.
 - (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 \$ 5.00 nor more than \$ 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 90 days.
 - (2) Second Offense - 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 one year shall upon conviction thereof, forfeit not less than \$ 20.00 nor more than \$ 1,000.00 for each such offense, together with 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 of prosecution are paid, but not exceeding 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) OTHER REMEDIES. The City shall have any and all other remedies afforded by the Wisconsin Statutes in addition to the forfeitures and costs of prosecution above.

SEC. 1-1-8 CLERK 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 Clerk-Treasurer imposes for the preservation of the material.

CHAPTER 2

Authorization for Use of Citations

- § 1-2-1 Authorization for Use of Citations
- § 1-2-2 Child Defined

SEC. 1-2-1 AUTHORIZATION FOR USE OF CITATIONS.

- (a) **AUTHORITY.** Pursuant to the authority of Wisconsin Statute Section 66.119, as amended, the City of Neillsville hereby elects to adopt and authorize the use of a citation to be issued for violations of ordinances, including ordinances for which a statutory counterpart exists.
- (b) **CITATION.** The form of the citation is hereby prescribed as found in Sec. 66.119(1)(b), Wis. Stats., as amended, which is incorporated herein by reference.
- (c) **SCHEDULE OF CASH DEPOSITS.** A schedule of cash deposits is established by Section 1-2-4 as amended, which is incorporated herein by reference.

Recreated: Ord. 888, 11/22/88

SEC. 1-2-2 CHILD DEFINED.

For the purposes of all ordinances of the City of Neillsville, child shall be defined as: a person under 18 years of age.

Created: Ord. 890, 7/11/89

State Law Reference: Sec. 48.02(2), Wis. Stats.

CHAPTER 3

Historical Preservation

§ 1-3-1	Purpose and Intent
§ 1-3-2	Definitions
§ 1-3-3	Historic Preservation Commission Composition
§ 1-3-4	Historic Structure, Historic Site and Historic District Designation Criteria
§ 1-3-5	Powers and Duties
§ 1-3-6	Procedures
§ 1-3-7	Interim Control
§ 1-3-8	Penalties for Violations

SEC. 1-3-1 PURPOSE AND INTENT.

It is hereby declared a matter of public policy that the protection, enhancement, perpetuation and use of improvements or sites of special character or special architectural, archeological or historic interest or value is a public necessity and is required in the interest of the health, property, safety and welfare of the people. The purpose of this section is to:

- (a) Effect and accomplish the protection, enhancement, and preservation of such improvements, sites and districts which represent or reflect elements of the city's cultural, social economic, political and architectural history;
- (b) Safeguard and city's historic, prehistoric and cultural heritage, as embodied and reflected in such historic structures, sites and districts;
- (c) Stabilize and improve property values, and enhance the visual and aesthetic character of the city;
- (d) Protect and enhance the city's attractions to residents, tourists and visitors, and serve as a support and stimulus to business and industry.

SEC. 1-3-2 DEFINITIONS.

The definitions shall be as follows:

- (a) Certificate of Appropriateness means the certificate issued by the commission approving alteration, rehabilitation, construction, reconstruction or demolition of a historic structure, historic site or any improvement in a historic district.
- (b) Commission means the Historic Preservation Commission created under this section.
- (c) Historic district is an area designated by the Common Council on recommendation of the commission, that contains two or more historic improvements or sites.
- (d) Historic site means any parcel of land of historic significance due to a substantial value in tracing the history or prehistory of man, or upon which a historic event has occurred, and which has been designated as a historic site under this section, or an improvement parcel, or part thereof, on which is situated a historic structure and any abutting improvement parcel, or part thereof, used as and constituting part of the premises on which the historic structure is situated.
- (e) Historic structure means any improvement which has a special historic interest or value as part of the development, heritage or cultural characteristics of the city, state or nation and which has been designated as a historic structure pursuant to the provisions of this chapter.
- (f) Improvement means any building, structure, place, work of art or other object constituting a physical betterment of real property, or any part of such betterment, including streets, alleys, sidewalks, curbs, lighting fixtures, signs and the like.

SEC. 1-3-3 HISTORIC PRESERVATION COMMISSION COMPOSITION.

The Historic Preservation Commission is hereby created, consisting of seven (7) members. Of the membership, if available in the community, one shall be a registered architect; one shall be a historian; one shall be a licensed real estate broker; one shall be an alderman; and three shall be citizen members. Each member shall have, to the highest extent practicable, a known interest in historic preservation. The Mayor shall appoint the commissioners subject to confirmation by the Common Council.

SEC. 1-3-4 HISTORIC STRUCTURE, HISTORIC SITE AND HISTORIC DISTRICT DESIGNATION CRITERIA.

- (a) For purposes of this ordinance, a historic structure, historic site, or historic district designation may be placed on any site, natural or improved, including any building, improvement or structure located thereon, or any area of particular historic, architectural, archeological or cultural significance to the city such as historic structures, site or districts which:
 - (1) Exemplify or reflect the broad cultural, political economic or social history of the nation, state or community; or
 - (2) Are identified with historic personages or with important events in national, state or local history; or
 - (3) Embody the distinguishing characteristics of an architectural type or specimen inherently valuable for a study of a period, style, method of construction, or of indigenous materials or craftsmanship; or
 - (4) Any representative of the notable work of a master builder, designer or architect who influenced his age; or
 - (5) Have yielded, or may be likely to yield, information important to prehistory or history.
- (b) The commission shall adopt specific operating guidelines for historic structure, historic site and historic district designation providing such are in conformance with the provisions of this ordinance.

SEC. 1-3-5 POWERS AND DUTIES.

- (a) Designation. The commission shall have the power, subject to Sec. 1-3-4, to designate historic structure and historic site and to recommend designation of historic districts within the city limits. Such designations shall be approved by the Common Council. Once designated, such historic structures, sites and districts shall be subject to all the provisions of this ordinance.
- (b) Regulation of Construction, Reconstruction, Alteration and Demolition.
 - (1) No owner or person in charge of a historic structure, historic site or structure within a historic district shall reconstruct, alter or demolish all or any part of the exterior of such property or construct any improvement upon such designated property or properties or cause or permit any such work to be performed upon such property or demolish such property unless a Certificate of Appropriateness has been granted by the Historic Preservation Commission. Also, unless such certificate has been granted by the commission, the building inspector shall not issue a permit for any such work.
 - (2) Upon filing of any application for a Certificate of Appropriateness with the commission, the commission shall approve the application unless:
 - a. In the case of a designated historic structure or historic site, the proposed work would detrimentally change, destroy or adversely affect any exterior feature of the improvement or site upon which said work is to be done;
 - b. In the case of the construction of a new improvement upon a historic site, or within a historic district, the exterior of such improvement would adversely affect or not harmonize with the external appearance of other neighboring improvements on such site or within the district;

- c. In the case of any property located in a historic district, the proposed construction, reconstruction, exterior alteration or demolition does not conform to the purpose and intent of this section and to the objectives and design criteria of the historic preservation plan for said district;
 - d. The building or structure is of such architectural or historical significance that its demolition would be detrimental to the public interest and contrary to the general welfare of the people of the city and state;
 - e. In the case of a request for the demolition of a deteriorated building or structure, any economic hardship or difficulty claimed by the owner is self-created or is the result of any failure to maintain the property in good repair.
- (3) If the commission determines that the application for a Certificate of Appropriateness and the proposed changes are consistent with the character and features of the property or district, it shall issue the Certificate of Appropriateness. The commission shall make this decision within forty-five (45) days of the filing of the application.
 - (4) The issuance of a Certificate of Appropriateness shall not relieve the applicant from obtaining other permits and approvals required by the city. A building permit or other municipal permit shall be invalid if it is obtained without the presentation of the Certificate of Appropriateness required for the proposed work.
 - (5) Ordinary maintenance and repairs may be undertaken without a Certificate of Appropriateness provided that the work involves repairs to existing features of a historic structure or site or the replacement of elements of a structure with pieces identical in appearance and provided that the work does not change the exterior appearance of the structure or site and does not require the issuance of a building permit.
- (c) Appeals. Should the commission fail to issue a Certificate of Appropriateness due to the failure of the proposal to conform to the guidelines, the applicant may appeal such decision to the Common Council within thirty (30) days. In addition, if the commission fails to issue a Certificate of Appropriateness, the commission shall, with the cooperation of the applicant, work with the applicant in an attempt to obtain a Certificate of Appropriateness within the guidelines of this ordinance.
 - (d) Recognition of Historic Structures, Sites and Districts. At such time as a historic structure, site or district has been properly designated, the commission, in cooperation with the property owner, may cause to be prepared and erected on such property at city expense, a suitable plaque declaring that such property is a historic structure, site or district.

SEC. 1-3-6 PROCEDURES.

- (a) Designation of Historic Structures and Historic Sites. The commission may, after notice and public hearing, designate historic structures and historic sites, or rescind such designation or recommendation, after application of the criteria in Sec. 3-1-4 above. At least ten (10) days prior to such hearing, the commission shall notify the owners of record, as listed in the office of the city assessor, who are owners of property in whole or in part situated within two hundred (200) feet of the boundaries of the property affected.
- (b) Creation of Historic District.
 - (1) For preservation purposes, the Historic Preservation Commission shall select geographically defined areas within the city to be designated as Historic Districts and shall prepare a historic preservation plan for each area. A Historic District may be designated for any geographic area of particular historic, architectural or cultural significance to the city, after application of the criteria in Sec. 3-1-4 above. Each Historic Preservation Commission shall include a cultural and architectural analysis supporting the historic significance of the area, the specific guidelines for development, and a statement of preservation objectives.

- (2) Review and Adoption Procedure.
 - a. Historic Preservation Commission. The Historic Preservation Commission shall hold a public hearing when considering the plan for a Historic District. Notice of the time, place, and purpose of the public hearing shall be sent by the City Clerk to the Alderman of the Aldermanic District or Districts in which the Historic District is located, and the owners of record, as listed in the office of the City Assessor, who are owners of the property within the proposed Historic District or are situated in whole or in part within two hundred (200) feet of the boundaries of the proposed Historic District. Said notice is to be sent at least ten (10) days prior to the date of the public hearing. Following the public hearing, the Historic Preservation Commission shall vote to recommend, reject or withhold action on the plan.
 - b. The Common Council. The Common Council, upon receipt of the recommendations from the Historic Preservation Commission, shall hold a public hearing, notice to be given as noted in subparagraph a. above and shall, following the public hearing, either designate or reject the Historic District. Designation of the Historic District shall constitute adoption of the plan prepared for that district and direct the implementation of said plan.

SEC. 1-3-7 INTERIM CONTROL.

No building permit shall be issued by the building inspector for alteration, construction, demolition, or removal of a nominated historic structure, historic site, or any property or structure within a nominated historic district from the date of the meeting of the Historic Preservation Commission at which a nomination form is first presented until the final disposition of the nomination by the Historic Preservation Commission or the Common Council unless such alteration, removal or demolition is authorized by formal resolution of the Common Council as necessary for public health, welfare or safety. In no event shall the delay be for more than one hundred eighty (180) days.

SEC. 1-3-8 PENALTIES FOR VIOLATIONS.

Any person or persons violating any provision of this section shall be fined fifty dollars (\$ 50) for each separate violation. Each and every day during which a violation continues shall be deemed to be a separate offense. Notice of violations shall be issued by the building inspector.

Created: Ord. 925, 12/13/94