

CHAPTER 25

CONSTRUCTION AND EFFECT OF ORDINANCES

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25.01 RULES OF CONSTRUCTION. (1) In the construction of this Code of general ordinances, the following rules shall be observed unless such construction would be inconsistent with the manifest intent of the ordinance:

(a) Wisconsin Statutes. The term "Wisconsin Statutes", or any reference thereto, wherever used in this Code shall mean the Wisconsin Statutes for the years 1999/2000, and shall include the 2001/2002 session laws, and shall further include and incorporate any amendments or changes thereto.

[Ord. 156, 243, 270, 334, 443, 523 8/02]

(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 provisions which shall contain any express language excluding such construction or when the subject matter or context of such provisions may be repugnant thereto.

(c) Person. The word "person" extends and applies to natural persons, firms, corporations, associations, partnerships or other bodies politic and all entities of any kind 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 by the principal, such requirements shall be construed to include all such acts when done by an authorized agent.

25.02 CONFLICT AND SEPARABILITY. (1) CONFLICT OF 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.

(2) SEPARABILITY OF CODE PROVISIONS. If any section, subsection, sentence, clause or phrase of the 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 section, subsection, sentence, clause or phrase or portion thereof. The Board hereby declares that they would have passed this Code and each section, subsection, sentence, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions may be

declared invalid of unconstitutional.

25.03 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.

25.04 PENALTY PROVISIONS. Unless otherwise specified in this Code, any person who shall violate any of the provisions of this Code shall upon conviction of such violation, forfeit not less than \$30.00 nor more than \$500.00, together with the costs of prosecution, and in default of payment of the forfeiture and costs of prosecution shall be imprisoned in the County Jail, as permitted and provided by law, and ordered by the Court, until such forfeiture and costs are paid, or for such length of time as is so imposed by Order of the Court. [Ord. 609 12/10, Ord. 610 03/2011]

(2) CONTINUED VIOLATIONS. Each violation and each day a violation continues or occurs shall constitute a separate offense. Nothing in this Code shall preclude the Village from maintaining any appropriate action to prevent or remove a violation of any provision of this Code.

(3) 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 Village, 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. [Ord. 431]

25.05 REPEAL OF GENERAL ORDINANCES. All ordinances heretofore adopted by the Board of the Village are hereby repealed, except all ordinances or parts of ordinances relating to the following subjects and not conflicting with any of the provisions of this Code:

The issuance of corporate bonds and notes of the Village whatever name or description.

The establishment of grades, curb lines and widths of sidewalks in the public streets and alleys.

The fixing of salaries of public officials and employees.

Rights, licenses or franchises or the creation of any contract with the Village.

The lighting of streets and alleys.

The annexation of territory to the Village.

The naming and changing of names of streets, alleys, public grounds and parks.

The establishment of wards, ward boundaries and election precincts.

Tax and special assessment levies.

Water, sewer and electric rates, rules and regulations and sewer and water main construction.

Budget ordinances, resolutions and actions.

25.06 EFFECT OF REPEALS. The repeal or amendment of any section or provision of this Code or of any other ordinances of resolutions of the Board shall not:

(1) By implication be deemed to revive any ordinance not in force or existing at the time at which such repeal or amendment takes effect.

(2) 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 Village.

(3) 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.

(4) Affect any prosecution for any offense, or the levy of any penalty or forfeiture pending at the time when any ordinance aforesaid 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 or ordinances 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.

25.07 TITLE: EFFECTIVE DATE: CITATION. These ordinances shall be known as the "Municipal Code of the Village of Ellsworth" and shall take effect from and after passage and publication as provided in Sec. 66.0103, Wis. Stats. All references thereto shall be cited by section number (example: Section 13.06, Municipal Code of the Village of Ellsworth).

[Ord. 523 8/02]