

CHAPTER 25
CONSTRUCTION AND EFFECT OF ORDINANCE

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25.01 RULES OF CONSTRUCTION

1) WISCONSIN STATUTES

- (a) The term "Wisconsin Statutes", whenever used in this Code, shall mean the "Wisconsin Statutes", any amendments, modifications, or any renumbering thereof, is hereby incorporated by reference.

2) GENDER, SINGULAR AND PLURAL

- (a) 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 the singular number only may extend and be applied to several persons or things as well as to one (1) 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.

3) PERSON

- (a) The word "Person" extends and applies to natural persons, firms, corporations, L.L.C.'s, L.L.P.'s, associations, partnerships or other bodies politic and all entities of any kind capable of being sued unless plainly inapplicable.

4) ACTS OF AGENTS

- (a) When a provision requires an act to be done which may by law be done by an agent as well as by the principal, such requirements shall be construed to include all such acts when done by an authorized agent.

Adopted April 17, 2001, Ordinance No. 229

25.02 CONFLICT AND SEVERABILITY

1) CONFLICT OF PROVISIONS

- (a) 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.

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2) SEVERABILITY OF CODE PROVISIONS

- (a) 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 Town Board hereby declares that they would have passed this Code and each section, subsection, sentence, clause, phrase or portion thereof regardless of the fact that any one (1) or more sections, subsections, sentence, clause, phrase or portions may be declared invalid or unconstitutional.

Adopted April 17, 2001, Ordinance No. 229

25.03 CLERK TO FILE DOCUMENTS INCORPORATED BY REFERENCE

- 1) 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 shall file, deposit and keep in their 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's office hours, subject to such orders or regulations which the Clerk may prescribe for their preservation.

Adopted April 17, 2001, Ordinance No. 229

25.04 PENALTY PROVISIONS

- 1) Any person who shall violate any provision of this Code shall, upon conviction thereof, forfeit not less than ten dollars (\$10) nor more than five-thousand (\$5,000), together with the costs of the prosecution and in default of payment of such forfeiture and costs of prosecution shall be imprisoned in the Walworth County Jail until said forfeiture and costs are paid, but not exceeding ninety(90)days, provided, however, that the penalty hereunder shall not exceed the maximum penalty provided under Wis. Stats., if a statutory counterpart exists.

Adopted April 17, 2001, Ordinance No. 229

25.05 REPEAL OF GENERAL ORDINANCES

Revised

1) All ordinances heretofore adopted by the Town Board 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:

- (a) The issuance of corporate bonds and notes of the Town of whatever name or description.
- (b) The establishment of widths of sidewalks and the establishment of curb grade lines and street lines in the public streets and alleys.
- (c) The fixing of salaries of public officials and employees.
- (d) Rights, licenses or franchises or the creation of any contract with the Town.
- (e) The lighting of streets and alleys.
- (f) The naming and changing of names of streets, alleys, public grounds and parks.
- (g) The letting of contracts without bids.
- (h) Tax and special assessment levies.
- (i) Releases of persons, firms or corporations from liability.
- (j) Construction of any public works.
- (k) Water, sewer and electric rates, rules and regulations and sewer and water main construction.
- (l) Budget ordinances, resolutions and actions.

Adopted April 17, 2001, Ordinance No. 229

25.06 EFFECT OF REPEALS

1) The repeal or amendment of any section or provision of this Code or of any other ordinances or resolutions of the 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.
- (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

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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 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.

Adopted April 17, 2001, Ordinance No. 229

25.07 TITLE; EFFECTIVE DATE; CITATION

- 1) These ordinances shall be known as the "Municipal Code of the Town of Delavan" and shall take effect from and after passage and publication as provided in Sec. 66.0103, Wisconsin Statutes. All references thereto shall be cited by Section number (example: Section 13.06, Municipal Code of the Town of Delavan).

Adopted April 17, 2001, Ordinance No. 229