

TITLE 1
General Provisions

Chapter 1 Use and Construction

CHAPTER 1
Use and Construction

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

These collected Ordinances shall be known and referred to as the “Municipal Code, Village of Norwalk, Wisconsin.” References to the Code of Ordinances, Village of Norwalk, Wisconsin, shall be cited as follows: “Sec. 2-1-1, Code of Ordinances, Village of Norwalk, 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 the at principal person, the requirement shall be construed to include all acts performed by such agents.
- 2) Code and Code of Ordinances. The words “Codes” and “Codes of Ordinances” when used in any section of this Code shall refer to this Code of General Ordinances of the Village of Norwalk 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 include, 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 and 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 Village 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 nay 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 1979-80.
- 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 Code of Ordinances 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, Village of Norwalk, Wisconsin shall take effect as provided by state law.
- b) SUBSEQUENT ORDINANCES. All ordinances passed by the Village Board 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: Code of Ordinances, Sec. 66.035, Wis. Stats.

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

- a) All general Ordinances heretofore adopted by the Village Board 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) Salaries of public officials and employees;
 - 2) The creation or abolition of offices;
 - 3) The annexation of territory to the Village;
 - 4) Releases of persons from liability;
 - 5) Contracts or rights created by resolution or Board action other than general ordinance;
 - 6) Naming of public property within the Village;
 - 7) Tax and special assessment levies;
 - 8) Construction of public works;
 - 9) Budget Ordinances, resolutions and actions;
 - 10) Issuance of corporate obligations by the Village;
 - 11) Establishment of grades, curb lines and widths of sidewalks, and the location of public streets and alleys;
 - 12) Waterfront property lines and regulations;

- 13) Charter ordinances; and
- 14) Zoning ordinances.
- b) Effect of repeals. The repeal or amendment of any provision of this Code or of any other ordinance or resolution of the Village Board 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 Village has expressly reserved the right to revoke such right, privilege, obligation, or liability.
 - 2) Affect any offense, penalty or forfeiture, or prosecution for any offense, or levy of any 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 which 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 for 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 to the 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 \$20.00 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 \$30.00 nor more than \$500.00 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 90 days.
- 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 Village from maintaining any appropriate action to prevent or remove a violation of any provision of this Code.
- c) OTHER REMEDIES. The Village shall have any and all other remedies afforded by the Wisconsin Statutes in addition to the forfeitures and costs of above prosecution.

SEC. 1-1-8 CLERK-TREASURER 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 Village 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 Village Clerk-Treasurer's office shall be considered public records open to reasonable examination by any person during the office hours of the Village Clerk-Treasurer subject to such restrictions on examination as the Clerk-Treasurer imposes for the preservation of the material.

The following ordinance changes need to be approved

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 \$20.00 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 \$30.00 nor more than \$500.00 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 90 days.*

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 Village from maintaining any appropriate action to prevent or remove a violation of any provision of this Code.

c) **OTHER REMEDIES.** The Village shall have any and all other remedies afforded by the Wisconsin Statutes in addition to the forfeitures and costs of above prosecution.

Adopted: November 9, 1999

Passed: November 9, 1999

Printed: November 18, 1999

Attested to by: _____

Barbara J. Ornes, Village Clerk