

TITLE 1

General Provision for Use of Code of Ordinances

- Chapter 1 Use and Construction of Code of Ordinances
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CHAPTER 1

Use and Construction of Code of Ordinances

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

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

SEC. 1-1-2 PRINCIPLES OF CONSTRUCTION.

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

- (a) **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.
- (b) **City.** "City" shall refer to the City of Thorp.
- (c) **Code and Code of Ordinances.** The words "Code", "Municipal Code" and "Code of Ordinances" when used in any section of this Code shall refer to this Code of Ordinances of the City

of Thorp unless the content of the section clearly indicates otherwise.

- (d) **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 holiday specified by state law and any holiday designated by the Common Council.
- (e) **Fine.** The term "fine" shall be the equivalent of the word "forfeiture", and vice versa.
- (f) **Gender.** Every word in the Ordinances referring to the masculine gender shall also be construed to apply to females, and vice versa.
- (g) **General Rule.** All words and phrases shall be construed according to their plain meaning in common usage. However, words or phrases with technical or special meaning shall be understood and construed according to that technical or special meaning if such is the intent of the Ordinances.
- (h) **Joint Authority.** All words purporting to give a joint authority to three (3) or more City officers or employees shall be construed to giving such authority to a majority of such officers or other persons.
- (i) **Person.** The word "person" shall mean any of the following entities: natural persons, corporation, partnerships, associations, bodies politic or any other entity of any kind which is capable of being sued.
- (j) **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.
- (k) **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 referring to a plural number shall also be construed to apply to one (1) person or thing.
- (l) **Tense.** The use of any verb in the present tense shall not preclude the interpretation of the verb in the future tense where appropriate.
- (m) **Wisconsin Statutes.** The term "Wisconsin Statutes" and its abbreviation as "Wis. Stats." shall mean, in these Ordinances, the Wisconsin Statutes as of the adoption of this Code, and as amended or renumbered from time to time.

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- (n) **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, and as amended or renumbered from time to time.

State Law Reference: Legal holidays, Section 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 circumstances or persons involved 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 reasons 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 Thorp, 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, Section 66.035, Wis. Stats.

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

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- (a) **Ordinances Repealed.** 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 which are not in conflict with the provisions of this Code, except as they may be amended by this Code of Ordinances:
- (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 Code;
 - (2) Any ordinance or resolution promising or guaranteeing the payment of money for the City, or any contract or obligations assumed by the City;
 - (3) Any administrative ordinances or resolutions of the City not in conflict or inconsistent with the provisions of this Code;
 - (4) Any appropriation ordinance or resolution;
 - (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 or prescribing the street grades of any streets in the City;
 - (8) Any ordinance or resolution providing for local improvements or assessing taxes or special assessments 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, maintenance, demolition, moving or removal of buildings or other structures;
 - (12) Zoning ordinances; dwelling building code; and other building code ordinances.
 - (13) Charter ordinances.
 - (14) The issuance of corporate bonds and notes of the City of whatever name or description.
 - (15) Water and sewer rates, rules and regulations, and sewer and water main construction.
 - (16) Any ordinance or resolution setting the salaries and per diem rates of reimbursement for municipal officers, officials and employees.

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- (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.
 - (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 Twenty-five Dollars (\$25.00) nor more than Five Hundred Dollars (\$500.00), together with the costs of prosecution and, in default of payment of such forfeiture and costs of prosecution, shall be subject to the proceedings and remedies set out in Section 800.095 Wis. Stats.
 - (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 Fifty Dollars (\$50.00) nor more than One Thousand Dollars (\$1,000.00) for each such offense, together with costs of prosecution and, in default of payment of such forfeiture

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shall be subject to the proceedings and remedies set out in Section 800.095 Wis. Stats.

- (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.**
 - (1) The City shall have any and all other remedies afforded by the Wisconsin Statutes in addition to the forfeitures and costs of prosecution described above.
 - (2) Whenever any person fails to pay a forfeiture and costs of prosecution upon the order of any court for violation of any ordinance of the City, 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 said forfeiture and costs.

**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 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.