

C H A P T E R

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CONSTRUCTION AND EFFECT OF ORDINANCES

20.01 RULES OF CONSTRUCTION.

In the construction of this Code, the following rules shall be observed unless such construction would be inconsistent with the manifest intent of the ordinance:

(A) **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 these rules of constructing shall not be applied to any provision which contains any express language excluding such construction or when the subject matter or context of such provision may be repugnant thereto.

(B) **Person.** The word "person" extends and applies to natural persons, firms, corporations, associations, partnerships or other bodies politic and to all entities capable of being sued, unless plainly inapplicable.

(C) **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 requirement shall be construed to include all such acts when done by an authorized agent.

(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 provisions of this Code.

20.02 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 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 One Thousand Dollars (\$1,000.00), 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 ninety (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 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 and costs shall be imprisoned in the County Jail until such forfeiture and costs of prosecution are paid, but not exceeding six (6) months.

(a) **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.

(b) **Other Remedies.** The Village shall have any and all other remedies afforded by the Wisconsin Statutes in addition to the forfeitures and costs of prosecution above.

(B) **Alternative Juvenile Dispositions and Sanctions.** As an alternative to subsection (A) above, in juvenile matters, the following sanctions and dispositions are authorized:

(1) For a juvenile adjudged to have violated an ordinance, a court is authorized to impose any of the dispositions listed in §§ 938.343 and 938.344, Wis. Stats., in accordance with the provisions of those statutes.

(2) For a juvenile adjudged to have violated an ordinance who violates a condition of a dispositional order of the court under §§938.343 or 938.344, Wis., Stats., the municipal court is authorized to impose any of the sanctions listed in §938.355(6)(d), Wis. Stats., in accordance with the provision of those statutes.

(3) This subsection is enacted under the authority of §938.17(2)(cm), Wis. Stats.

20.03 CITATIONS.

Pursuant to 66.115, Wis. Stats., the Village elects to use the citation method of enforcement of ordinances, including those for which a statutory counterpart exists. The citation shall contain the following:

(A) The name and address of the alleged violator.

- (B) Factual allegations describing the alleged violation.
- (C) The time and place of the offense.
- (D) The section of the ordinance violated.
- (E) A designation of the offense in such manner as can readily be understood by a person making a reasonable effort to do so.
- (F) The time at which the alleged violator may appear in court.
- (G) A statement which in essence informs the alleged violator:
 - (1) That a cash deposit may be made which shall be delivered or mailed to the Cambridge-Village Treasurer prior to the time of the scheduled court appearance.
 - (2) That if a deposit is made, no appearance in court is necessary unless he is subsequently summoned.
 - (3) That if a cash deposit is made and the alleged violator does not appear in court at the time specified, an action may be commenced to collect the forfeiture.
- (H) A direction that if the alleged violator elects to make a cash deposit, the statement which accompanies the citation shall be signed to indicate that the statement required under paragraph (G) above has been read. Such statement shall be sent or brought with the cash deposit.
- (I) Such other information as the Village deems necessary.

20.04 SCHEDULE OF DEPOSITS.

Deposits shall be made in cash, money order or certified check to the Clerk-Village Treasurer who shall provide a receipt therefor.

20.05 ISSUANCE OF CITATION.

(A) Law Enforcement Officer. Any law enforcement officer or Village constable may issue citations authorized under this ordinance.

(B) Village Officials. The following Village officials may issue citations with respect to those specified ordinances which are directly related to their official responsibilities:

- (1) Zoning Administrator
- (2) Building Inspector
- (3) Such Village officials may delegate their authority to issue citations to subordinates.

20.06 PROCEDURE.

Section 66.119(3), Wis. Stats., relating to violator's options and procedure on default, is hereby adopted and incorporated herein by reference.

20.07 NONEXCLUSIVITY.

(A) Other Ordinance. Adoption of this ordinance does not preclude the Board from adopting any other ordinance or providing for the enforcement of any other law or ordinance or providing for the enforcement of any other law or ordinance relating to the same or other matter.

(B) Other Remedies. The issuance of a citation hereunder shall not preclude the Village or any authorized officer from proceeding under any other ordinance or law or by any other enforcement method to enforce any ordinance, regulation or order.

20.08 REPEAL OF GENERAL ORDINANCES.

All ordinances hereto before adopted by the Village 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 Village of whatever name or description.
- (B) The establishment of grades, curb lines and widths of sidewalks 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 Village.
- (E) The lighting of streets and alleys.

- (F) The annexation of territory to the Village.
- (G) The naming and changing of names of streets, alleys, public grounds and parks.
- (H) The letting of contracts without bids.
- (I) The establishment of wards, ward boundaries and election precincts.
- (J) Tax and special assessment levies.
- (K) Release of persons, firms or corporations from liability.
- (L) Construction of any public works.
- (M) Water, sewer and electric rates, rules and regulations and sewer and water main construction.
- (N) Budget ordinances, resolutions and actions.

20.09 EFFECT OF REPEALS.

The repeal or amendment of any section or provision of this Code or of any other ordinance or resolution 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 Village.
- (C) Affect any offense committed, or penalty or forfeiture incurred, previous to the time when any ordinance is repealed or amended; except when any forfeiture or penalty has been mitigated by the provisions of any ordinance, such provisions shall apply to an control any judgment to be pronounced 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 is repealed or amended; but the right of action shall continue and the offender shall be subject to the penalty as provided in such ordinance, and such prosecution shall proceed, in all respects, as if such ordinance had not been repealed; except all such proceedings had after the time this Code takes effect shall be conducted according to the provisions of this Code.

20.10 KEEPING CODE CURRENT: REVISOR'S AMENDMENTS.

As each ordinance or resolution affecting the Municipal Code becomes effective, the Village Clerk shall incorporate same into the Municipal Code. The Clerk shall make no substantive changes to such ordinances and resolutions but may renumber, rearrange and edit them without first submitting them to the Village Board; and such rearranging, renumbering and editing shall not affect the validity of such ordinances and resolutions or the provisions of this Municipal Code affected thereby.