

Village of Almena, WI  
Tuesday, July 30, 2024

## Chapter 1. General Provisions

[HISTORY: Adopted by the Village Board of the Village of Almena as indicated in article histories.  
Amendments noted where applicable.]

### Article I. Construction and Penalties

[Adopted as §§ 25.01 to 25.04 of the former Village Code]

#### § 1-1. Rules of construction.

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

- A. Wisconsin Statutes. All references to "Wisconsin Statutes" or "Wis. Stats.," shall mean the Wisconsin Statutes as of the adoption of this Code, as amended or renumbered from time to time.  
[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]
- 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 these rules of construction 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.
- C. 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.
- 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 requirement shall be construed to include all such acts when done by an authorized agent.
- E. References in the Code to the "Village Clerk" and "Treasurer" shall be construed to mean the combined office of Village Clerk-Treasurer established by Charter Ordinance No. 2017-1. See Chapter **53**, Article **IV**, of this Code.  
[Added at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

#### § 1-2. Conflict and separability.

- A. 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.
- B. 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 it 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 or unconstitutional.

## § 1-3. Clerk 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 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's office hours, subject to such orders or regulations which the Clerk may prescribe for their preservation.

## § 1-4. Penalty provisions.

- A. General penalty. Except as otherwise provided, 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. Any person who shall violate any provision of this Code shall, upon conviction thereof, forfeit not less than \$5 nor more than \$500, 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. Any person found guilty of violating any ordinance or part of an ordinance of this Code who has previously been convicted of a violation of the same ordinance within one year shall, upon conviction thereof, forfeit not less than \$10 nor more than \$500 for each such offense, together with the 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 are paid, but not exceeding six months.
- 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. 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.

## Article II. Adoption of Code

[Adopted 9-14-2021 by Ord. No. 2021-1]

## § 1-5. Code adopted; existing ordinances continued.

Pursuant to § 66.0103, Wis. Stats., the ordinances of the Village of Almena of a general and permanent nature adopted by the Village Board of the Village of Almena, as revised and codified and consisting of Chapters **1** through **315**, are hereby approved, adopted, ordained and enacted as the Code of the Village of Almena, hereinafter referred to as the "Code." The provisions of the Code, insofar as they are substantively the same as those of the ordinances in force immediately prior to the enactment of the Code by this ordinance, are intended as a continuation of such ordinances and not as new enactments. This ordinance and the Code adopted hereby shall supersede and replace the existing Code of Ordinances, as amended and supplemented.

## § 1-6. Code on file; additions and amendments.

- A. In accordance with § 66.0103, Wis. Stats., a copy of the Code has been filed in the office of the Village Clerk-Treasurer and made available for public inspection for not less than two weeks prior to adoption of this ordinance, and following adoption of this ordinance such copy shall be maintained and available for public inspection in the office of the Village Clerk-Treasurer.
- B. Additions or amendments to the Code, when adopted in such form as to indicate the intent of the Village Board to make them a part thereof, shall be deemed to be incorporated into such Code so that reference to the "Code of the Village of Almena" shall be understood and intended to include such additions and amendments.

## § 1-7. Notice; publication.

The Clerk-Treasurer of the Village of Almena shall cause notice of the passage of this ordinance to be given in the manner required by law. The notice of passage of this ordinance coupled with the filing of the Code in the office of the Village Clerk-Treasurer as provided in § 1-6 shall be deemed, held and considered to be due and legal publication of all provisions of the Code for all purposes.

## § 1-8. Severability.

Each section of this ordinance and of the Code and every part of each section is an independent section or part of a section, and the holding of any section or a part thereof to be unconstitutional, void or ineffective for any cause shall not be deemed to affect the validity or constitutionality of any other sections or parts thereof. If any provision of this Code or the application thereof to any person or circumstances is held invalid, the remainder of this Code and the application of such provision to other persons or circumstances shall not be affected thereby.

## § 1-9. Repealer.

- A. Ordinances or parts of ordinances inconsistent with the provisions contained in the Code adopted by this ordinance are hereby repealed; provided, however, that such repeal shall only be to the extent of such inconsistency, and any valid legislation of the Village of Almena which is not in conflict with the provisions of the Code shall be deemed to remain in full force and effect.
- B. The following have been excluded from the Code and are specifically repealed:
  - (1) Chapter 13, Section 13.05, Natural gas franchise, of the existing Village Code.
  - (2) Chapter 15, Plumbing, §§ 15.01 to 15.06, of the existing Village Code.
  - (3) Chapter 26, Fair Housing, adopted January 13, 1980, by Ord. No. 1981-1, of the existing Village Code.

## § 1-10. Ordinances saved from repeal.

The adoption of this Code and the repeal of ordinances provided for in § 1-9 of this ordinance shall not affect the following ordinances, rights and obligations, which are hereby expressly saved from repeal:

- A. Any ordinance adopted subsequent to July 9, 2019.
- B. Any right or liability established, accrued or incurred under any legislative provision prior to the effective date of this ordinance or any action or proceeding brought for the enforcement of such right or liability.

- C. Any offense or act committed or done before the effective date of this ordinance in violation of any legislative provision or any penalty, punishment or forfeiture which may result therefrom.
- D. Any prosecution, indictment, action, suit or other proceeding pending or any judgment rendered prior to the effective date of this ordinance brought pursuant to any legislative provision.
- E. Any franchise, license, right, easement or privilege heretofore granted or conferred.
- F. Any ordinance providing for the laying out, opening, altering, widening, relocating, straightening, establishing grade, naming, improvement, acceptance or vacation of any right-of-way, easement, street, road, highway, park or other public place or any portion thereof.
- G. Any ordinance appropriating money or transferring funds, promising or guaranteeing the payment of money or authorizing the issuance and delivery of any bond or other instruments or evidence of the Village's indebtedness.
- H. Ordinances authorizing the purchase, sale, lease or transfer of property or any lawful contract or obligation.
- I. The levy or imposition of taxes, assessments or charges.
- J. The annexation or dedication of property or approval of preliminary or final subdivision plats.
- K. Ordinances providing for local improvements or assessing taxes or special assessments therefor.
- L. All currently effective ordinances pertaining to the rate and manner of payment of salaries and compensation of officers and employees.
- M. Any legislation relating to or establishing a pension plan or pension fund for municipal employees.
- N. Any ordinances adopting or amending the Zoning Map or otherwise rezoning property.
- O. Any charter ordinances.
- P. Any ordinance or portion of an ordinance establishing or amending a specific fee amount for any license, permit or service obtained from the Village.
- Q. Any ordinance or portion of an ordinance establishing or amending a deposit or bond schedule.
- R. Any ordinance or portion of an ordinance establishing or amending rates or charges for water or sewer service.

## § 1-11. Changes in previously adopted ordinances; new ordinances.

- A. In preparing the revision and codification of the ordinances, certain minor grammatical and nonsubstantive changes were made in one or more of said ordinances, and references to state statutes and regulations were updated to reflect the numbering and titles of the statutes and regulations as of the publication of this Code. It is the intention of the Village Board that all such changes be adopted as part of the Code as if the ordinances so changed had been formally amended to read as such.
- B. In accordance with § 66.0103, Wis. Stats., the Code of the Village of Almena, on file in the office of the Village Clerk-Treasurer, is adopted and incorporated by reference, including the revisions set forth in Schedule A attached hereto and made a part hereof. (Chapter and section number references in Schedule A are to the ordinances as they have been renumbered and appear in the Code.)<sup>[1]</sup>

[1] *Editor's Note: In accordance with § 1-11B, the chapters, parts and sections which were added, amended, adopted or deleted by this ordinance are indicated throughout the Code by a history referring to Chapter 1, General Provisions, Article II. During routine supplementation, these histories*

*will be replaced with the adoption date and number of this ordinance. Schedule A, which contains a complete description of all changes, is on file in the Village offices.*

## § 1-12. Titles and headings; editor's notes.

- A. Chapter and article titles, headings and titles of sections and other divisions of the Code are inserted in the Code and may be inserted in supplements to the Code for the convenience of persons using the Code and are not part of the legislation.
- B. Editor's notes indicating sources of sections, giving other information or referring to the statutes or to other parts of the Code are inserted in the Code and may be inserted in supplements to the Code for the convenience of persons using the Code and are not part of the legislation.

## § 1-13. Altering or tampering with Code; violations and penalties.

It shall be unlawful for anyone to change, alter or tamper with the Code in any manner which will cause the laws of the Village of Almena to be misrepresented thereby. Anyone violating this section shall be subject, upon conviction, to a penalty as provided in § 1-4 of the Code.

## § 1-14. When effective.

This ordinance shall take effect upon final passage and publication or posting as provided by law.