

CHAPTER 15

GENERAL PROVISIONS

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15.01 RULES OF CONSTRUCTION

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

(1) Wisconsin Statutes. The term Wisconsin Statutes wherever used in this code shall mean the Wisconsin Statutes for the year 1973., as from time to time amended, repealed or modified by the Wisconsin legislature.

(2) Gender: Singular and Plural. Every word in this code and in any ordinance importing the masculine gender may extend and be applied to females as well as males, and every word importing the singular number only may extend and be applied to several persons or things as well as to one 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. The word "person" extends and applies to natural persons, firms, corporations, associations, partnerships or other bodies politic and all entities of any kind capable of being sued unless plainly inapplicable.

(4) Acts by 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 requisition shall be construed to include all such acts when done by an authorized agent.

15.02 CONFLICT AND SEPARABILITY

(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 this 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 Village President and Village Board of the Village of Highland hereby declare that they 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 thereof may be declared invalid or unconstitutional.

15.03 CLERK TO FILE DOCUMENTS INCORPORATED BY REFERENCE

Whenever in this code any standard, code, rule, regulation or other written or printed matter, other than the Wisconsin Statutes or other section of this code, are adopted by reference, they shall be deemed incorporated in this code as if fully set forth herein and the Village Clerk is hereby directed and required to 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 at all reasonable times, subject to such orders or regulations which the Clerk may prescribe for their preservation.

15.04 PENALTY PROVISIONS

(1) General Penalty. Whenever so provided 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:

(a) First Offense - Penalty. Any person who shall violate any provision of this code subject to a penalty shall, upon conviction thereof, forfeit not less than One Dollar (\$1.00) nor more than One Hundred Dollars (\$100.00), 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 said forfeiture and costs are paid, but not exceeding 90 days.

(b) 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 shall upon conviction thereof, forfeit not less than Ten Dollars (\$10.00) nor more than Two Hundred Dollars (\$200.00) 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 said forfeiture and costs of prosecution are paid, but not to exceed six months.

(2) Execution Against Defendant's Property. Whenever any person fails to pay any forfeiture and costs of prosecution upon the order of the 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 said forfeiture and costs.

15.05 REPEAL OF GENERAL ORDINANCES

All ordinances heretofore adopted by the Village Board of the Village of Highland are hereby repealed, except all ordinances or parts of ordinances relating to the following subject and not conflicting with any of the provisions of this code:

The issuance of corporate bonds and notes of the Village of Highland of whatever name or description.

The fixing of salaries of public officials and employees.

Rights, licenses or franchises or the creation of any contract with the Village of Highland.

The lighting of streets and alleys.

The annexation of territory to the Village of Highland.

The naming and changing of names of streets, alleys, public grounds and parks.

The letting of contracts without bids.

Tax and special assessment levies.

Release of persons, firms or corporations from liability.

Construction of any public works.

Water, sewer and electric rates, rules and regulations and sewer and water main construction.

Budget ordinances, resolutions and actions.

15.06 EFFECT OF REPEALS

The repeal or amendment of any section or provision of this code or of any other ordinance or resolution of the Village Board shall not:

(1) By implication be deemed to revive any ordinance not in force or existing at the time at which such repeal or amendment takes effect.

(2) 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.

(3) 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 after such ordinance takes effect for any offense committed before that time.

(4) 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, and shall be, in all respects, subject to the provisions of this code.

15.07 TITLE: EFFECTIVE DATE: CITATION

These ordinances shall be known as the "Municipal Code of the Village of Highland" and shall take effect from and after passage and posting. All references thereto shall be cited by section number (example: s. 12.06, Municipal Code of the Village of Highland).

15.08 STYLE OF ORDINANCES: ADDITIONS, AMENDMENTS AND REPEALS

All general ordinances hereafter enacted by the Village Board of the Village of Highland shall be numbered in chronological order, prefixed by the letter "A" and shall indicate by appropriate decimal number the section, subsection or paragraph of this code created, amended, repealed or revised.

15.09 CLERK TO FILE ORDINANCES: SUPPLEMENTAL SHEETS

The Village Clerk shall certify one copy of this code as the original Municipal Code of the Village of Highland and shall file the same as part of the Village ordinance book. Such copy shall be retained in its original form. In addition, the Clerk shall retain in his office at least one copy of the Municipal Code of the Village of Highland in current form in which shall be inserted all supplemental sheets as hereinafter provided.

Whenever any ordinance amending, repealing, revising or creating any section of this code as adopted by the Village Board, the Clerk, after recording such ordinance in the ordinance book, shall cause copies of such ordinance to be reproduced on supplemental sheets in proper form for insertion in the municipal code and shall insert such ordinances in all copies of this code in his possession except the aforementioned original copy. The Clerk shall make such supplemental sheets available at cost to all persons requesting the same.