

ORDINANCE NO. 15
GENERAL PROVISIONS

SECTION 15-1. Rules of Construction. [Amended 6-6-1977; 4-11-2022]. 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:

- 1) Wisconsin Statutes. All references to "Wisconsin Statutes" or "Wis. Stats." shall mean the Wisconsin Statutes as of the adoption of this Code, and as amended from time to time.
- 2) 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 that 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.
- 3) 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
- 4) 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.

SECTION 15-2. 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 Board of the Village of Friendship 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 thereof may be declared invalid or unconstitutional.

SECTION 15-3. Clerk/Treasurer to File Documents Incorporated by Reference. [Amended 4-11-2022]

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

SECTION 15-4. Penalty Provisions. [Amended 11-6-2017; 4-11-2022]

- 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 follow.
 - a. First offense. Any person who shall violate any provision of this Code subject to a penalty shall, upon conviction thereof, forfeit not less than \$1, nor more than more than \$200 together with the costs of prosecution and applicable surcharges, and, in default of payment of such forfeiture and costs of prosecution and surcharge, shall be imprisoned in the County jail until such forfeiture shall be paid, but not exceeding ninety (90) days.
 - b. Second offense. Any person found guilty of violating any provision of this Code who shall previously have been convicted of a violation of the same provision shall, upon conviction thereof, forfeit not less than \$5 nor more than \$500 for each such offense, together with the costs of prosecution and applicable surcharges, 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 to exceed six (6) months.
- 2) 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 contained in this Code.
- 3) Execution against defendant's property. Whenever any person fails to pay any forfeiture, penalty assessment 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, assessment and costs.

SECTION 15-5. Repealer and Ordinances Saved from Repeal.

- 1) All 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 Friendship which is not in conflict with the provisions of the Code shall be deemed to remain in full force and effect.
- 2) The adoption of this Code and the repeal of ordinances provided for in § 15-5(1) 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 October 7, 1957.
 - b. The issuance of corporate bonds and notes of the Village of Friendship of whatever name or description.
 - c. The establishment of grades, curb lines, and widths of sidewalks in the public streets and alleys.

- d. The fixing of salaries of public officials and employees.
- e. Rights, licenses or franchises or the creation of any contract with the Village of Friendship.
- f. The lighting of streets and alleys.
- g. The annexation of territory to the Village of Friendship.
- h. The naming and changing of names of streets, alleys, public grounds and parks.
- i. The letting of contracts without bids.
- j. Tax and special assessment levies.
- k. Release of persons, firms or corporations from liability.
- l. Water, sewer and electric rates, rules and regulations and sewer and water main construction.
- m. Budget ordinances, resolutions and actions.

SECTION 15-6. Effect Of Repeal.

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

SECTION 15-7. Title: Effective Date; Citation. These ordinances shall be known as the "Municipal Code of the Village of Friendship, Wisconsin" and shall take effect from and after passage and publication as provided in § 66.0103, Wis. Stats. All references thereto shall be cited by section number (example: sec. 13.06, Municipal Code of the Village of Friendship, Wisconsin).

SECTION 15-8. Style of Ordinances: Additions, Amendments and Repeals.

All general ordinances hereafter enacted by the Village Board of the Village of Friendship shall be numbered in chronological order and shall indicate by appropriate number the section or subsection of this Code created; amended, repealed or revised.

SECTION 15-9. Clerk/Treasurer to File Ordinances; Supplemental Sheets. [Amended 4-11-2022]

- 1) The Clerk/Treasurer shall certify one copy of the Code as the Original General Code of the Village 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/Treasurer shall retain in his or her office at least one copy of the general code in current form in which shall be inserted all supplemental sheets as provided in Sub. (2).

- 2) Whenever any ordinance amending, repealing, revising, or creating any section of this code is adopted by the Board, the Clerk/Treasurer, after recording such ordinance in the ordinance book, shall incorporate them into the general code. The Clerk/Treasurer shall make no substantive changes to such ordinances and resolutions but may renumber, rearrange, and edit them without first submitting them to the Board, and such renumbering, rearranging, and editing shall not affect the validity of such ordinances and resolutions or the provisions of this general code affected thereby.

SECTION 15-10. Effective Date. This ordinance shall take effect and be in force from and after its passage and publication.

Adopted by the Village Board this 11th day of April, 2022.


Antone Sindelar, Village President

ATTEST:


Linda Hogan, Village Clerk/Treasurer

Published: 4/20/2022