

CHAPTER 25
Construction and Effect of Ordinances
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CHAPTER 25
Construction and Effect of Ordinances

25.01.000 RULES OF CONSTRUCTION. In the construction of this Code of general ordinances, the following shall be observed unless such construction would be inconsistent with the manifest intent of the ordinance.

1. Wisconsin Statutes. The term “Wisconsin Statutes” whenever used in this code shall mean the Wisconsin Statutes then in effect and shall include session laws enacted by the 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 work 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 be law as well as 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.

25.02.000 CONFLICT AND SEPARABILITY.

25.02.010 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.

25.02.020 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 Mayor and Common Council of the City 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.

25.03.000 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 City 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 by any person during the City Clerk's office hours, subject to such orders or regulations, which the City Clerk may prescribe for their preservation.

25.04.000 PENALTY PROVISIONS.

25.04.010 General Penalty. Whenever so provided in this Code, any person who shall violate any of the provisions of this Code shall, upon conviction of each violation, be subject to a penalty, which shall be as follows:

- A. First Offense. A forfeiture of not less than \$5.00 nor more than \$500.00 in addition to any applicable fees, assessments and restitution and the costs of prosecution and, in the event of nonpayment of any of the foregoing amounts, imprisonment in the county jail until the forfeiture, fees, assessments, restitution and costs are paid, except that the amount owed is reduced at the rate of \$25.00 for each day of imprisonment and the maximum period of imprisonment is 90 days.
- B. Second and Subsequent Offenses. For any person who previously has been convicted of a violation of the same provision, rule or regulation, a forfeiture of not less than \$25.00 nor more than \$500.00 in addition to any applicable fees, assessments and restitution and the costs of prosecution and, in the event of nonpayment of any of the foregoing amounts, imprisonment in the county jail until the forfeiture, fees, assessments, restitution and costs are paid, except that the amount owed is reduced at the rate of \$25.00 for each day of imprisonment and the maximum period of imprisonment is 90 days.
- C. Civil Remedy. In the event of nonpayment of any forfeiture fees, assessments, restitution and costs and in lieu of imprisonment under paragraphs A and B above, the City may enforce the judgment in the same manner as for a judgment in an ordinary civil action.
- D. Penalty for Children.
 1. Definition. "Juvenile" means a person who is less than 17 years of age.
 2. Court Authority to Impose Alternative Juvenile Dispositions and Sanctions.
 - a. For a juvenile adjudged to have violated an ordinance, the court is authorized to impose any of the dispositions listed in §938.343 and §938.344, Wis. Stats., as amended, in accordance with the provisions of those statutes.
 - b. 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., as amended, in accordance with the provisions of those statutes.

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

- E. Separate Offenses. Each violation and each day a violation occurs or exists constitutes a separate offense and is punishable as such.
- F. Non-exclusivity. Nothing in this section shall preclude the City from maintaining any appropriate action to prevent or remove any violation of any provision of this Code.

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

25.05.000 REPEAL OF GENERAL ORDINANCES. All ordinances heretofore adopted by the Common Council of the City of Port Washington 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:

1. The issuance of corporate bonds and notes of the City of Port Washington of whatever name or description.
2. The establishment of grades, curb lines and widths of sidewalks in the public streets and alleys.
3. The fixing of salaries of public officials and employees.
4. Rights, licenses or franchises or the creation of any contract with the City of Port Washington.
5. The lighting of streets and alleys.
6. The annexation of territory to the City of Port Washington.
7. The naming and changing of names of streets, alleys, public grounds and parks.
8. The letting of contracts without bids.
9. The establishment of wards, ward boundaries and election precincts.
10. Tax and special assessment levies.
11. Release of persons, firms or corporations from liability.
12. Construction of any public works.
13. Water, sewer and electric rates, rules and regulations and sewer and water main construction.
14. Budget ordinances, resolutions and actions.
15. The Zoning Ordinance which is re-enacted with all amendments thereto.

25.06.000 EFFECT OF REPEALS. The repeal of amendment of any section or provision of this Code or of any other ordinance or resolution of the Common Council 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 City.
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 ordinance, 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.

25.07.000 TITLE: EFFECTIVE DATE: CITATION. These ordinances shall be known as the “Municipal Code of the City of Port Washington” and shall take effect from and after passage and publication as provided in section 66.035, Wisconsin Statutes. All references thereto shall be cited by section number (example: section 13.06, Municipal Code of the City of Port Washington).