

Chapter 24

GENERAL PROVISIONS

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24.01 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 code: **(1) WISCONSIN STATUTES.** The term “Wisconsin Statutes”, or “Wis. Stats.” wherever used in this code, shall mean the most current edition of the Wisconsin Statutes and Annotations, published under authority of Wis. Stats. §35.18 and §35.23, by the Reviser of Statutes Bureau of the Wisconsin Department of Administration.

(2) GENERAL RULE. In construing the meaning of the language of this code, the provisions of Wis. Stats. §990.001 and §990.01 apply.

(3) OTHER REFERENCE. Any reference to the Wisconsin Administrative Code or other rules and regulations are to the most current edition.

24.02 Conflict and Separability. (1) CONFLICT. If the provisions of the different sections of this code conflict with or contravene each other, the provisions of each section shall prevail as to all matters and questions arising out of the subject matter of such section.

(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 according to the laws of the state of Wisconsin or the United States, by any reason 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 the village board declare that they would have adopted 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.

24.03 Clerk to File Documents Incorporated by Reference; Amendments.

(1) Whenever in this code any standard, code, rule, regulation, or other written or printed matter, other than the Wisconsin Statutes or other sections of this code, are adopted by reference, they shall be deemed incorporated in this code as if fully set forth herein and the clerk is hereby directed and required to file, deposit,

and keep in his/her 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 village office hours, subject to such orders or regulations which the administrator may prescribe for their preservation.

(2) The village clerk shall certify one copy of this code as the original Municipal Code of the Village of North Fond du Lac 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/her office at least one copy of the Municipal Code of the Village of North Fond du Lac in current form in which shall be inserted all supplemental sheets as herein provided.

(3) Whenever any ordinance amending, repealing, revising or creating any section of this code is 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 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.

(4) As each ordinance affecting this code becomes effective, the clerk shall incorporate the ordinance into the code. The rearranging, renumbering, and editing shall not affect the validity of the ordinances or the provisions of the code.

24.04 Use of Citations. (1) **AUTHORITY.** The village elects the provisions of Wis. Stats.

§66.0113 in regard to the issuance of citations by certain village employees.

(2) **ISSUANCE.** The following village employees and officials may issue citations for the violations of any provision of this code: (a) any village law enforcement officer may issue a citation for the violation of any ordinance.

(b) The following village officials may issue citations for the violations of any section of this code which is directly related to the official's capacity:

1. fire chief;
2. building inspector;
3. street superintendent;
4. weed commissioner;
5. zoning administrator.

(3) **SCHEDULE OF CASH DEPOSITS.** Except as provided in this code, the penalty for violation of provisions of the code are adopted from time to time by resolution of the village board.

(4) **PAYMENT OF CASH DEPOSITS.** (a) The payment of cash deposits shall be made to the clerk of courts or to the police department for citations issued by law enforcement officers or to the village treasurer or treasurer's assistant for citations issued by the village officials listed in 24.04(2)(b).

(b) Receipts shall be given for cash deposits.

24.05 Penalty Provisions. (1) **GENERAL PENALTIES.** Whenever provided in this code, any person who shall violate any of the provisions of this code shall upon conviction of such violation, forfeit not less than one dollar (\$1.00) nor more than one thousand dollars, 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 six months.

(2) Village of North Fond du Lac law enforcement personnel are authorized to issue uniform citations for Village ordinance violations even when a statutory counterpart currently exists. The Uniform Municipal Citation and Complaint shall be the form of the citation authorized herein. Any amendments or alterations to that form as a result of subsequent legislation or court rule shall not reduce or impair its use under the terms of this ordinance.

(3) 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.

(4) JUVENILE PENALTIES. The Village elects to come under the jurisdiction of the following statutes as they pertain to juvenile penalties: (a) §938.343, Disposition of juvenile adjudged to have violated a civil law or ordinance;

(b) §938.344 Disposition; certain intoxicating liquor, beer or drug violations; and Wisconsin Statutes §938.355(6)(d)2 pertaining to the suspension or limitation on the use of a juvenile's vehicle operating privilege.

(5) CONTINUED VIOLATIONS. Each violation and each day a violation continues 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.

24.06 Repeal Provisions. All ordinances heretofore adopted by the village board are

hereby repealed, except all ordinances or parts thereof relating to the following subjects and not conflicting with any of the provisions of this code: (1) Any offense or act committed or done or any penalty or forfeiture incurred or any contract or right established or accruing before the effective date of this ordinance.

(2) Any ordinance or resolution promising or guaranteeing the payment of money for the Village.

(3) Any contract or obligation assumed by the Village.

(4) The administrative ordinances or resolutions of the Village not in conflict or inconsistent with the provisions of this Code.

(5) Any appropriation ordinance or resolution.

(6) Any right or franchise granted by the Village Board to any person, firm, or corporation.

(7) Any ordinance or resolution naming, establishing, locating, relocating, opening, closing, paving, widening, vacating, etc. any public street or way in the Village.

(8) Any ordinance or resolution establishing the street grades of any street in the Village.

(9) Any ordinance or resolution providing for local improvements or assessing taxes or special assessments.

(10) Any ordinance or resolution dedicating or accepting any plat or subdivision in the Village.

(11) Any ordinance annexing property to the Village.

(12) Any ordinance or resolution regulating the erection, alteration, repair, demolition, moving or removal of buildings or other structures, except as these ordinances have been amended as part of this recodification.

(13) Zoning ordinances.

(14) Charter ordinances.

(15) The issuance of corporate bonds and notes of the Village of whatever name or description.

(16) Water and sewer rates, rules, regulations and sewer and water main construction.

24.07 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 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 board.

(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 this 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.

24.08 Title; Effective Date; Citation.

These ordinances shall be known as "The Municipal Code of the Village of North Fond du Lac, Wisconsin" and shall take effect from and after passage and publication as provided in Wis. Stats. §66.0103. Section number thereto shall cite all references.

Comment: Page: 4
Old 18.08 style of ordinance,
etc. was incorporated into new
code section 2.05