

CHAPTER 12

INTERPRETATION AND MISCELLANEOUS

- 12.1 PLACE OF IMPRISONMENT
- 12.2 TIME WHEN ORDINANCES TAKE EFFECT
- 12.3 COSTS TO BE INCLUDED IN PENALTY
- 12.4 PENALTY WHEN ONE NOT SPECIFICALLY PROVIDED FOR
12.5 UNUSED
- 12.6 EACH DAY OF VIOLATION SEPARATE OFFENSE
- 12.7 UNUSED
- 12.8 UNUSED
- 12.9 UNUSED
- 12.10 UNUSED
- 12.11 UNUSED
- 12.12 AUTHORITY TO ACT
- 12.13 RULES FOR CONSTRUCTION
- 12.14 CONFLICTS
- 12.15 ERRORS
- 12.16 CODE AS EVIDENCE
- 12.17 APPLICABILITY OF THIS CHAPTER
- 12.18 REFERENCE TO AMENDED SECTIONS
- 12.19 EFFECT OF REPEAL
- 12.20 SEVERABILITY CLAUSE
- 12.21 REPEAL OF ORDINANCES AND THE EFFECT
- 12.22 UNUSED
- 12.23 UNPAID DEBTS DUE THE VILLAGE
- 12.24 DELINQUENT PERSONAL PROPERTY TAXES
- 12.25 SURVEY REQUIRED
- 12.26 DISPOSAL OF ABANDONED PROPERTY

CHAPTER 12
INTERPRETATION AND MISCELLANEOUS

12.27 TIME WHEN ORDINANCES TAKE EFFECT

All ordinances heretofore passed or that may hereafter be passed by the Village board shall take effect and be in force from and after their passage and publication, unless otherwise ordered.

12.28 PLACE OF IMPRISONMENT

When imprisonment is imposed in default of payment of forfeitures and costs of prosecution for any offense under the provisions of this Code, it shall mean imprisonment in the County Jail of the County of Vernon.

12.29 COSTS TO BE INCLUDED IN PENALTY

When a forfeiture is imposed as the whole or any part of the punishment of any offense, or when a penalty or forfeiture is recovered for doing any act or neglecting to do any act, by virtue of any of the provisions of this Code, the Court shall also sentence the defendant to pay, and shall give judgment for, the costs of prosecution, whether the section under which said prosecution or proceeding is had shall specifically so direct or not.

12.30 PENALTY WHEN ONE NOT SPECIFICALLY PROVIDED FOR

For violations of the provisions of this Code for which no penalty or punishment is provided by this Code, the person so violating shall upon conviction thereof forfeit not less than \$50.00 nor more than \$1000.00 and the costs of prosecution shall be imprisoned in the County Jail until payment of such forfeiture and the costs of prosecution, but not exceeding 90 days for each violation, provided, however, that in no case shall the forfeiture imposed for a violation of any provision of this section exceed the maximum fine for the same offense under the laws of the State of Wisconsin.

12.31 UNUSED

12.32 EACH DAY OF VIOLATION SEPARATE OFFENSE

Each day of violation of any provision of this Code of Ordinances shall constitute a separate offense for which a separate penalty shall be assessed.

12.33 UNUSED

12.34 UNUSED

12.35 UNUSED

12.36 UNUSED

12.37 UNUSED

12.38 AUTHORITY TO ACT

All words in this Code purporting to give a joint authority to three (3) or more public officers or other persons shall be construed as giving such authority to a majority of such officers or persons unless it shall be otherwise expressly provided.

12.39 RULES FOR CONSTRUCTION

- (A) **IN GENERAL:** In the construction of the provisions of this Code, the rules set forth in this section shall be observed unless such construction be inconsistent with the manifest intent of the Council.
- (B) **WORDS AND PHRASES – SPECIFICALLY:** The words and phrases set forth in this subsection shall be construed as specifically provided therein as follows:
- (1) The expression “this Code” shall mean the Code of Ordinances of the Village of Stoddard as now enacted and as hereafter modified by the amendment or revision of any of its provisions.
 - (2) All references to titles, chapters, sections or subsections are to the titles, chapters, section or subsections of this Code, unless otherwise clearly indicated.
 - (3) The words “Village or Village Board” shall mean the Village Board of the Village of Stoddard.
 - (4) The word “Village” shall mean the Village of Stoddard.
 - (5) Words importing either gender shall include any other gender required for their proper application to particular case.
 - (6) Words in the singular shall include the plural, and words in the plural shall include the singular.
 - (7) The use of any verb in the present tense shall include the future when applicable.
 - (8) The word “person” shall extend and be applied to firms, corporations or voluntary associations, as well as to individuals, unless plainly inapplicable.
 - (9) The word “week” shall be construed to mean seven (7) days; but publication in a newspaper of any notice or other matter indicated to be for a stated number of weeks shall be construed to mean one insertion in each week, unless specifically stated to be for each day of the week or for more than one day in each week.
 - (10) The word “highway” or “street” shall be construed to include all public way and thoroughfares and all bridges upon the same.
 - (11) The word “preceding” and “following”, when used by way of reference to any section or subsection of this Code, shall be construed to mean the section or subsection next preceding or next following that in which said reference is made unless some other section or subsection is designated in such reference.
 - (12) The expression “owner” used in respect to any land, building or premises shall include the owner, his agent, the lessee, the occupant or the person in charge of such building or premises, and in case as circumstances and condition may require.
 - (13) The expression “writing” and its derivatives shall include typewriting, printing, lithographing, photography, mimeographing, and all other modes of reproducing words, figures and significant exhibits in a legible form.
 - (14) The expression “oath” and “affidavit” and their derivatives shall include affirmation and declaration, and their derivatives, in the senses of equivalents of the expressions used.

- (15) The expression “it shall be unlawful” to do anything specified in connection with such expression shall mean and be construed to include that it shall be unlawful for any person to do such thing.
- (16) When any section of this Code 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.
- (17) The time within which an act is to be done as provided in any of the provisions of this Code, when expressed in days, shall be computed by excluding the first day and including the last, except that if the last day be Sunday or a legal holiday it shall be excluded; and when any such time is expressed in hours, the whole of Sunday and of any legal holiday from midnight to midnight shall be excluded.
- (18) In all cases where any provision of this Code shall require any act to be done in a reasonable time or reasonable notice to be given to any person, said reasonable time or notice shall be deemed to mean such time only as may be necessary for the prompt execution of such duty or compliance of such notice.

12.40 CONFLICTS

If the provisions of different chapters of this Code conflict or contravene with each other the provisions of each chapter shall prevail as to all matters and questions growing out of the subject matter of such chapter. If conflicting provisions be found in different sections of the same chapter of this Code, the provisions of the section which is the last enacted shall prevail unless such construction be inconsistent with the meaning of such chapter.

12.41 ERRORS

If any manifest error be discovered consisting of the misspelling of any word or words, the omission of any word or words necessary to express the manifest intention of any provision, the use of a word or words where it is manifest that a different word or words should have been used to express the intent of any provision, such spelling shall be corrected and such word or words supplied, omitted or substituted as will conform with the manifest intention, and the provisions shall have the same effect as though the words correctly spelled, and as supplied, omitted or substituted, were used originally. But this section shall not have the effect of permitting any change to be made should there exist doubt as to the meaning of the provision in question.

12.42 CODE AS EVIDENCE

This Code of Ordinances of the Village shall be published and printed in loose leaf form, under the authority of the Village, for distribution and the Code as so printed and published may be used as evidence of the contents thereof under the provisions of the Wisconsin Statutes.

12.43 APPLICABILITY OF THIS CHAPTER

The provisions of this Chapter shall apply to all ordinances hereafter passed amending or supplementing this Code, and to all other ordinances and resolutions hereafter passed or adopted, unless in any case other rules and principles are explicitly or clearly required to be applied thereto.

12.44 REFERENCE TO AMENDED SECTIONS

Whenever in this Code reference is made to any other section or subsection of this Code, such reference shall extend and apply to such section or subsection as hereafter amended, revised or re-enacted, as long as such section or subsection referred to deals with the same subject matter as when the reference was made. If any

section or subsection be repealed and re-enacted under another number dealing with the same general subject, whether in the same or in other language, existing references to such section or subsection as originally numbered shall thereafter be construed to apply to the section or subsection as it exists under its new number.

12.45 EFFECT OF REPEAL

The repeal or amendment of any section or subsection or provision of this Code or of any other ordinance or resolution shall not be implication revive anything not in force or existing at the time at which the repeal or amendment takes effect; affect the previous operation of any enactment so repealed or amended, or anything duly done or suffered under any enactment so repealed or amended; affect any right, privilege, obligation, or liability acquired, accrued or incurred under any enactment so repealed or amended; affect any penalty, forfeiture or punishment incurred in respect of any offense committed against any enactment so repealed or amended; or affect any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid.

12.46 SEVERABILITY CLAUSE

If any section, subsection, sentence, clause or phrase of this Code of Ordinances is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of any other sections, subsection, sentence or phrase or portion thereof. The Village Board hereby declares that they would have passed this Code and each section, subsection, sentence, clause or phrase thereof irrespective of the fact that any one or more other sections, subsections, sentences, clauses or phrases may be declared invalid or unconstitutional.

12.47 REPEAL OF ORDINANCES AND THE EFFECT

All ordinances or parts of ordinances which are incorporated in this revised ordinance known as the Revised Municipal Code are hereby confirmed and reenacted without interruption in their operation and effect, and all ordinances or parts of ordinances, except as hereinafter provided, which are not incorporated, re-affirmed and re-enacted herein, are hereby in all things repealed. Excepted are all ordinances or parts of ordinances relating to the following subjects, to-wit:

- The issuance of corporate bonds of the Village of whatever description;
- The vacation and discontinuance of public streets and alleys;
- The fixing of salaries of public officials and employees;
- The creation and establishment of districts wherein all wires, cables, etc., are required to be located underground;
- The establishment of grades, curb lines and widths of sidewalks in public streets and alleys;
- The letting of contracts without bids;
- Tax and special assessment levies;
- Water rates and rules and regulations for sewer and water main construction;
- Annexation of property to Village.

12.48 UNUSED

12.49 UNPAID DEBTS DUE THE VILLAGE

No permits, licenses, leases or other franchises shall be granted by the Village or by any Village officer, board, department, or employee, to any person who owes the Village any money or debt. No item, goods or tangible property shall be sold to any such person except for cash. This section shall not apply to a person who is making regular payments on his debt, according to a schedule approved by the Village, its officers or employees.

12.50 DELINQUENT PERSONAL PROPERTY TAXES

Pursuant to authority of Section 74.80 (2), Wisconsin Statutes, the Village hereby imposes a penalty of 0.5 percent per month or fraction of a month, in addition to the interest prescribed by Section 74.80 (1), Wisconsin Statutes, on all over-due or delinquent personal property taxes retained for collection by the Village or eventually charged back to the Village by the County for the purposes of collection under Section 74.81, Wisconsin Statutes.

12.51 SURVEY REQUIRED

The owner of any parcel of land who proposes to split or alter said parcel or lot shall have prepared by a state certified surveyor a survey and legal description showing the correct boundaries before any legal description changes are made by the Village Assessor's office for tax purposes.

12.52 DISPOSAL OF ABANDONED PROPERTY

- (A) **PURPOSE:** The purpose of this ordinance is to provide a means of disposal of abandoned or unclaimed personal property in accordance with Wisconsin Statutes Section 66.28.
- (B) **EXCLUSIONS:** The provisions of this ordinance do not apply to cash, to abandoned motor vehicles, for which procedure established by State Statute shall be followed to any deposit or trust fund placed in the custody of the Village or of any Village officer or board, nor to any property coming into possession of the Police Department if disposition of such property is provided for by State law.
- (C) **POSSESSION AND SALE OF ABANDONED PROPERTY:** Any personal property which has been abandoned, or remained unclaimed for a period of thirty (30) days after the taking of possession shall be handled as provided in this section. The following procedure shall be followed:
- (1) If the property is of no value, it shall be disposed of in the manner provided for disposal of trash and garbage.
 - (2) If the property is of no value, the Village Clerk shall arrange to have it sold at a public auction, after notice to the public, unless the Village Board by resolution authorized a Village department, agency or utility to retain the property for utilization by said department, agency or utility. If the Village Clerk or any other Village officer or employee has any information about the property, the Village Clerk or such other Village officer or employee shall mail notice to such person at such address at least thirty (30) days before the sale or other disposition of the property, stating that the owner may claim the property upon presenting acceptable proof of ownership.
 - (3) Abandoned or unclaimed flammable, explosive or incinerary substances, materials, or devices posing a danger to life or property under storage, transportation or use may be disposed of immediately after taking possession of the substances, materials or devices, without a public auction, by the Police or Fire Department after an attempt has been made to return the substances, materials or devices to the rightful owner if the same have a commercial value in the normal business usage and do not pose an immediate threat to life or property. If the substance, material or device appears to be or is reported stolen, an attempt will be made to return the substance, material or device to the rightful owner within thirty (30) days after taking possession of the same.
 - (4) Articles of clothing may be given to charitable organizations by the Village department or officer having custody of the same.