CHAPTER 30

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30.01 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:

30.01 RULES OF CONSTRUCTION

(1) Wisconsin Statutes.

(a) Statutes Specifically Incorporated by Reference. Whenever this code Incorporate by reference specific sections of the Wisconsin Statutes, such references shall mean the Wisconsin Statutes of 2011-2012 as from time to time amended, repealed or modified by the Wisconsin Legislature.

(b) General References. General references in this code to Wisconsin statutory sections or chapters describing or defining procedures or authority for enactment or enforcement of local traffic regulations shall be deemed to refer to the most recent enactments of the Wisconsin Legislature describing or defining such procedures or authorities.

(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.

30.02 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 Mayor and the Common Council of the City of Wisconsin Dells 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.

30.03 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 City Clerk is hereby directed and required to file, deposit and keep in his office of 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-Treasurer may prescribe for their preservation.

30.04 PENALTY FOR VIOLATION OF CODE

(1) General Penalty. Except where a penalty is provided elsewhere in this Code, any person who shall violate any of the sections of this Code, shall, upon conviction of such

violation, be subject to a penalty, which shall be as follows:

(a) First offense. Any person who shall violate any section of this Code shall, upon conviction thereof, forfeit not less than $25.00 or more than $1,000.00, 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 such forfeiture and costs are paid, but not exceeding 90 days; provided, however, that imprisonment under this subsection shall be imposed only in accordance with the provisions of Wis. Stats. §§ 800.09 and 800.095.

(b) Second offense. Any person found guilty of violating any section or port of a section of this Code who shall previously have been convicted of a violation of the same section within one year shall, upon conviction thereof, forfeit not less than $50.00 or more than $1,000.00 for each such offense, together with costs of prosecution, and in default of payment of such forfeiture and costs shall be imprisoned in the county jail until such forfeiture and costs of prosecution are paid, but not exceeding 90 days; provided, however, that imprisonment under this subsection shall be imposed only in accordance with Wis. Stats. §§ 800.09 and 800.095.

(2) Continued Violations. Each violation and each day a violation continues or occurs shall constitute a separate offense. Nothing in this Code shall preclude the City from maintaining any appropriate action to prevent or remove a violation of any section of this Code.

(3) Other Remedies. The City shall have any and all other remedies afforded by state statutes in addition to the forfeitures and costs of prosecution in this section.

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

30.05 REPEAL OF GENERAL ORDINANCES

All ordinances heretofore adopted by the Common Council of the City of Wisconsin Dells 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 City of Wisconsin Dells 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 City.

The lighting of streets and alleys.

The annexation of territory to the City of Wisconsin Dells.

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

The letting of contracts without bids.

Release of persons, firms or corporations from liability.

Construction of any public works.

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

Budget ordinances, resolutions and actions.

30.06 EFFECT OF REPEALS

The repeal or amendment of any section or provision of this Code or of any other ordinance or resolution of the 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 judgement 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, by 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 held 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.

30.07 TITLE: EFFECTIVE: CITATION

This Code of Ordinances shall be known as the "Municipal Code of the City of Wisconsin Dells" and shall take effect on October 21, 1976. All references thereto shall be cited by section number (example: s.12.06, Municipal Code of the City of Wisconsin Dells).

30.08 STYLE OF ORDINANCES: ADDITIONS, AMENDMENTS AND REPEALS

All general ordinances hereafter enacted by the Common Council of the City of Wisconsin Dells 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.

30.09 CLERK TO FILE ORDINANCES: SUPPLEMENTAL SHEETS

The City Clerk shall certify one copy of this Code as the original Municipal Code of the City of Wisconsin Dells and shall file the same as part of the City Ordinance Book. Such copy shall be retained in its original form. In addition, the Clerk-Treasurer shall retain in his office at least one copy of the Municipal Code of the City of Wisconsin Dells 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 is adopted by the Common Council, 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.

30.10 PAYMENT OF LICENSE OR PERMIT FEE AT TIME OF APPLICATION

(1) Except as specifically provided in the Wisconsin Dells Code, all fees or costs associated or connected with the issuance or approval of any City license or permit shall be paid at the time of or with an application.

(2) No officer or agent of the City shall issue any City permit or license if the

applicant for such license or permit is in default of any financial obligations due and owed the City. If an application for a license or permit discloses the person or entity who or which will perform work associated with the permit or license, and, such person or entity is in default of any financial obligations due and owed the City, the application shall be denied until full payment is made.

CHAPTER 30 REVISIONS

A-197 03-24-88	
A-212 10-27-88	
A-301 11-18-91	
A-479 03-28-01	Amends wording in 30.04(1)(c) Bonds/penalties changes by Resolution.
A-743 04-23-14	Repeals and recreates 30.04
A-747 05-24-14	Repeals and recreates 30.01(1) Rules of construction