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CHAPTER 1 GENERAL PROVISIONS

Sec. 1-1. Title of Code; citation; short title.

These compiled ordinances shall be known as the "Revised Municipal Code of the Village of Wind Point, Wisconsin" and may also be referred to by the shortened title "Wind Point Municipal Code." This Code shall take effect from and after passage and posting. All references thereto shall be cited by section number.

(Prior Code, § 18.06)

State Law reference— Authority to codify ordinances, Wis. Stats. § 66.0103; citation of statutes, Wis. Stats. § 991.12.

Sec. 1-2. Definitions and rules of construction.

- (a) *Generally.* In the interpretation and construction of this Code, the following definitions and rules of construction shall be observed, unless they are inconsistent with the manifest intent of the village board or the context clearly requires otherwise.
- (b) *Applicability.* The rules of construction and definitions of this section shall not be applied to any section of this Code that contains any express provision excluding that construction or where the subject matter or context of that section may be repugnant thereto.
- (c) *Gender.* Every word in this Code and in any ordinance importing one gender may extend and be applied to all genders, 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.
- (d) *Singular and plural.* Every word in this Code referring to the singular number only shall also be construed to apply to several persons or things, and every word in this Code referred to a plural number shall also be construed to apply to one person or thing.
- (e) *Tense.* Words used in the past or present tense include the future as well as the past and present.
- (f) *Liberal construction; technical words and phrases.* All general provisions, terms, phrases, and expressions contained in this Code shall be liberally construed so that the true intent and meaning of the village board may be fully carried out. All words and phrases shall be construed according to the common and approved usage of the language, but technical words and phrases, and other words that have acquired a peculiar and appropriate meaning in the law, shall be construed and understood according to their peculiar and appropriate meaning.
- (g) *Minimum requirements; conflicting provisions.* In the interpretation and application of any provisions of this Code, the provisions shall be held to be the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience, and general welfare. Where any provision of the Code imposes greater restrictions upon the subject matter than a general provision imposed by the Code, the provision imposing the greater restriction or regulation shall be deemed to be controlling.
- (h) *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 provision shall be construed to include all such acts when done by an authorized agent.
- (i) *Joint authority.* Words purporting to give authority to three or more officers or other persons shall be construed as giving such authority to a majority of such officers or other persons, unless it is otherwise declared.

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(j) *Amendments to state law and rules.* Whenever a Wisconsin Statute is referred to or is incorporated by reference by any ordinance, the reference shall be construed to include all amendments to such statute subsequently enacted. Incorporation of a statute also incorporates any applicable provisions of Wisconsin Administrative Code relating to such statute. Further, whenever a code, regulation, administrative rule, or state order is referred to or is incorporated by reference by an ordinance the reference shall be construed to include all amendments subsequently enacted.

(k) *Specific definitions.* The following words, terms and phrases, when used in this Code, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Board of trustees, village board. The term "board of trustees" or "village board" means the board of trustees of the Village of Wind Point, Wisconsin.

Code. The term "Code" means the provisions of this Code as amended from time to time.

County. The term "county" means Racine County, Wisconsin.

Fee schedule. The term "fee schedule" means the official consolidated list provided in appendix A to this Code that includes rates for utility or other public enterprises, village fees of any nature, deposit amounts and various charges as determined from time to time by the village board.

Governing authority, governing body. The term "governing authority" or "governing body" means the village board.

Law. The term "law" means any statute, ordinance or regulation promulgated by the state, the United States, the county, the village or any of their agencies, as well as the rules and regulations of other bodies politic that may be appropriate.

May. The term "may" is to be construed as being permissive.

Month. The term "month" means a calendar month.

Oath. The term "oath" includes an affirmation in all cases in which, by law, an affirmation may be substituted for an oath; and in such cases the terms "swear" and "sworn" shall be equivalent to the terms "affirm" and "affirmed."

Ordinance. The term "ordinance" means a legislative act of the municipal governing body of a general and permanent nature.

Person. The term "person" extends and applies to natural persons, firms, corporations, LLCs, associations, partnerships, LLPs and other bodies politic and to all entities capable of being sued, unless plainly inapplicable.

Public place. The term "public place" means any place subject to the primary control of any public agency, including, but not limited to, any park, street, public way, cemetery, schoolyard or adjacent open space and any lake or stream.

Resolution. The term "resolution" means a legislative act of the county governing authority of a special or temporary character.

Shall. The term "shall" is mandatory.

State. The term "the state" or "this state" means the State of Wisconsin.

Street. The term "street" includes any highway, street, avenue, boulevard, road, lane or viaduct in the village dedicated or devoted to public use.

Tenant; occupant. The term "tenant" or "occupant," applied to a building or land, includes any person holding a written or oral lease or who occupies the whole or part of such building or land, either alone or with others.

Village. The term "village" means the Village of Wind Point, Wisconsin, and extends to and includes its several officers, agents and employees.

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Village officers or departments. The term "village clerk," "chief of police" or other village officers or departments, when referred to by title only, means the village clerk, chief of police or such other municipal officers or departments, respectively, of the village.

Wis. Admin. Code. The abbreviation "Wis. Admin. Code" means the current edition of the Wisconsin Administrative Code.

Wis. Stats. The abbreviation "Wis. Stats." means the current edition of the Wisconsin Statutes.

Written; in writing. The term "written" or "in writing" includes any representation of words, letters or figures, whether by printing or otherwise.

Year. The term "year" means a calendar year.

(Prior Code, § 18.01)

Sec. 1-3. Catchlines of sections.

The catchlines of the several sections of this Code printed in boldface type are intended as mere catchwords to indicate the contents of the sections and shall not be deemed or taken to be titles of such sections, nor as any part of the sections; nor, unless expressly so provided, shall they be so deemed when any such sections, including the catchlines, are amended or reenacted.

Sec. 1-4. References to chapters or sections.

All references to chapters, articles, divisions, subdivisions or sections are to the chapters, articles, divisions, subdivisions and sections of this Code unless otherwise specified.

Sec. 1-5. History notes; editorial references and notes.

The history notes appearing in parentheses after sections of this Code are not intended to have any legal effect but are merely intended to indicate the source of matter contained in the section. References and editor's notes following certain sections are inserted as an aid and guide to the reader and are not controlling nor meant to have any legal effect.

Sec. 1-6. Provisions considered as continuation of existing ordinances; ordinances saved from repeal.

- (a) Except as otherwise specifically provided herein, all ordinances enacted prior to the adoption of this Code are continued, amended and renumbered to conform to this Code.
- (b) All ordinances previously adopted by the board are repealed except 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 village of whatever name or description.
 - (2) The fixing of salaries of public officials and employees.
 - (3) Rights, licenses or franchises or the creation of any contract with the village.
 - (4) The lighting of streets.
 - (5) The annexation of territory to the village.
 - (6) The naming and changing of names of streets, public grounds and parks.
 - (7) The letting of contracts without bids.
 - (8) The establishment of voting wards and election precincts.

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- (9) Tax and special assessment levies.
- (10) Release of persons, firms or corporations from liability.
- (11) Construction of any public works.
- (12) Budget ordinances, resolutions and actions.
- (13) Annexation ordinances.

(Prior Code, § 18.05)

Sec. 1-7. Conflicting 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.

(Prior Code, § 18.02(1))

Sec. 1-8. Severability of 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.

(Prior Code, § 18.02(2))

State Law reference— Severability, Wis. Stats. § 990.001(11).

Sec. 1-9. Style of ordinances; additions, amendments and repeals.

All general ordinances enacted by the village board shall be numbered in chronological order and shall indicate by appropriate number the section, subsection or paragraph of this Code created, amended, repealed or revised.

(Prior Code, § 18.07)

Sec. 1-10. Original copy to be retained; clerk to update other copies as Code is amended.

- (a) The village clerk shall certify one copy of this Code as the original Code of the village and shall file the same as part of the village ordinance book; such copy to be retained in its original form. In addition, the clerk shall retain in the office at least one copy of this Code in current form in which shall be inserted all supplemental sheets amending the Code.
- (b) 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 this Code and shall insert such ordinances in all copies of this Code in the office except the original copy.

(Prior Code, § 18.08)

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Sec. 1-11. 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 sections of this Code, are adopted by reference, they shall be deemed incorporated in this Code as if fully set forth herein, and the village clerk shall file, deposit and keep in his office a copy of this 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.

(Prior Code, § 18.03)

Sec. 1-12. Violations and penalties.

- (a) *Generally.* Unless otherwise required or permitted by state law, any person who shall violate any provision of this Code for which no specific penalty is provided shall upon conviction thereof, forfeit not less than \$50.00 or more than \$500.00 together with costs of prosecution, and in default of payment of such forfeiture and costs of prosecution shall be imprisoned in the Racine County jail until such forfeiture and costs are paid, but not exceeding 90 days.
- (b) *Continued violations.* 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 of this Code.
- (c) *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 such forfeiture and costs.

(Prior Code, § 18.04)

State Law reference— Penalty for violation of ordinances, Wis. Stats. § 66.0109; bail generally, Wis. Stats. § 66.0417; outstanding unpaid forfeitures, Wis. Stats. § 66.0115; actions for violations of municipal ordinances, Wis. Stats. § 66.0114; fines and costs in municipal court, Wis. Stats. § 814.65; disposition of juvenile adjudged to have violated a civil law or ordinance, Wis. Stats. § 938.343.

Sec. 1-13. Failure of officers to perform duties.

The failure of any officer or employee of the village to perform an official duty imposed by this Code shall not subject such officer or employee to the penalty imposed for violation of this Code unless otherwise specifically provided in this Code.

FOOTNOTE(S):

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State Law reference— Cities generally, Wis. Stats. § 62.01 et seq.; general municipality law, Wis. Stats. § 66.0101 et seq.; municipal home rule, Wis. Stats. § 66.0101; classes of cities, Wis. Stats. § 62.05; applicability of state statutes in municipalities, Wis. Stats. § 991.09. ([Back](#))