

**CHAPTER 25**  
**CONSTRUCTION AND EFFECT OF ORDINANCES**

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Chapter 25 Board Action

Adopted December 20, 2011 as part of Village Incorporation

## **25.01 RULES OF CONSTRUCTION.**

In the construction of this Municipal Code, the following rules shall be observed unless such construction would be inconsistent with the manifest intent of the ordinance.

- (1) Wisconsin Statutes. All references to "Wisconsin Statutes" or "Wis. Stats." shall mean the Wisconsin Statutes for the years 1979-80 and shall include the 1981 session laws.
- (2) Gender, Singular, and Plural. Every word in this Code and in any ordinance imparting the masculine gender may extend and be applied to females as well as males, and every word imparting the singular number only may extend and be applied to several persons or things as well as to one person or thing; provided these rules of construction shall not be applied to any provision which contains any express language excluding such construction or when the subject matter or context of such provision may be repugnant thereto.
- (3) Person. The word "person" extends and applies to natural persons, firms, corporations, associations, partnerships or other bodies politic and to all entities capable of being sued, unless plainly inapplicable.
- (4) Acts of 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 requirement shall be construed to include all such acts when done by an authorized agent.

## **25.02 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 the 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.

## **25.03 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 Clerk shall 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 Clerk's office hours, subject to such orders or regulations which the Clerk may prescribe for their preservation.

**25.04 PENALTY PROVISIONS.**

Any person who shall violate any provision of this Code shall, upon conviction thereof, forfeit not less than \$10.00 nor more than \$5,000.00, together with the costs of the prosecution and any other penalties as provided by law; and in default of payment of such forfeiture and costs of prosecution, shall be imprisoned in the Walworth County Jail until said forfeiture and costs are paid, but not exceeding ninety days, provided, however, that the penalty hereunder shall not exceed the maximum penalty provided under Wisconsin Statutes, if a statutory counterpart exists, and any other penalty as provided by law.

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**25.05 REPEAL OF GENERAL ORDINANCES.**

All ordinances heretofore adopted by the Village Board 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 Village 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 Village.
- (5) The lighting of streets and alleys.
- (6) The naming and changing of names of streets, alleys, public grounds and parks.
- (7) The letting of contracts without bids.
- (8) The establishment of wards, ward boundaries and election precincts.
- (9) Tax and special assessment levies.
- (10) Releases of persons, firms or corporations from liability.
- (11) Construction of public works.

- (12) Water, sewer and electric rates, rules and regulations and sewer and water main construction.
- (13) Budget ordinances, resolutions and actions.

**25.06 EFFECT OF REPEALS.**

The repeal or amendment of any section or provision of this Code or of any other ordinance or resolution of the Board shall not:

- (1) By implication be deemed to revive any ordinance not in force or existing at the time 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.

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- (3) Affect any offense committed, or penalty or forfeiture incurred, previous to the time when any ordinance is repealed or amended; except when any forfeiture or penalty has 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 is 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 had not been repealed; except all such proceedings had after the time this Code takes effect shall be conducted according to the provisions of this Code.

**25.07 TITLE; EFFECTIVE DATE; CITATION.**

These ordinances shall be known as the "Municipal Code of the Village of Bloomfield" and shall take effect from and after passage and publication as provided in §66.035, Wis. Stats. All references thereto shall be cited by section number (example: §13.06, Municipal code of the Village of Bloomfield).

**25.08 KEEPING CODE CURRENT; REVISER'S AMENDMENTS.**

- (1) The Village Clerk shall certify one copy of the Code as the original Municipal Code of the Village 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 office at least one copy of the Municipal Code in current form in which shall be inserted all supplemental sheets as hereinafter provided.

- (2) 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 forward such ordinance or resolution to the Revisor, who shall incorporate them into the Municipal Code. The revisor shall make no substantive changes to such ordinances and resolutions but may renumber, rearrange and edit them without first submitting them to the Village Board and such renumbering, rearranging and editing shall not affect the validity of such ordinances and resolutions or the provisions of this Municipal Code affected thereby.