

Chapter 31

GENERAL PROVISIONS



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31.01 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.
- (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.

31.02 Conflict and Separability.

- (1) 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 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 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.

31.03 Administrator 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 administrator is hereby directed and required to file, deposit, and keep in his or her 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 regular village office hours, subject to such orders or regulations which the administrator may prescribe for their preservation.
- (2) As each ordinance affecting this code becomes effective, the administrator 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.

31.04 Public Records.

- (1) **Access and Maintenance.** The village elects the provisions of Wis. Stats. §19.21, through §19.39, in regard to access to public and maintenance of public records.
- (2) **Destruction.** The village has elected to be bound by Charter Ordinance No. 4 relating to the destruction of certain public records. Records not enumerated in Charter Ordinance No. 4 shall be governed by Wis. Stats. §19.21(4).

31.05 Penalty Provisions.

- (1) **General Penalty.** Except as provided elsewhere in this code and in subsection (2) below, any person who violates any of the provisions of this code shall, upon conviction of such violation, be subject to penalty which shall be as follows: Any person who shall violate any provision of this code shall, upon conviction of such violation, forfeit not less than \$5.00 and not more than \$500.00, along with the costs of prosecution and if 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, not exceeding 90 days.
- (2) **Penalty for Juveniles.** This section is enacted under the authority of §938.17(2)(cm), Wis. Stats.
 - (a) **Dispositions for Violation of an Ordinance.** For a juvenile 12 years of age or older, who is adjudged to have violated an ordinance, the municipal court is authorized to impose any of the dispositions listed in §§938.343 and 938.44, Wis. Stats., in accordance with the provisions of those statutes.
 - (b) **Sanctions for Violation of a Condition of a Dispositional Order.** For a juvenile 12 years of age or older, who is adjudged to have violated an ordinance and who violates a condition of a dispositional order of the

court under §§938.343 or 938.44, Wis. Stats., the municipal court is authorized to impose any of the sanctions listed in s. 938.355(6)(d), Wis. Stats., in accordance with the provisions of those statutes.

- (c) **Future Amendments.** Any future amendment of any statutory provision incorporated herein that the Village may adopt as an ordinance is hereby adopted as an ordinance and is incorporated herein as if fully set forth as of the effective date of that future amendment.
- (3) **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.
- (4) **Execution.** Whenever any person fails to pay any forfeiture and costs of prosecution upon the order of the court for violation of any provision of this code, 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.

31.06 Use of Citations.

- (1) **Authority.** The provisions of Wis. Stats. §66.119 as amended, revised, or modified from time to time are hereby adopted and incorporated herein by reference.
- (2) **Issuance of Citations.** Any village law enforcement officer may issue a citation for the violation of any ordinance. Any law enforcement officer employed by any other Wisconsin law enforcement agency, while acting pursuant to Wis. Stat. § 66.0313, or while acting pursuant to an intergovernmental agreement between the Village and such other law enforcement agency, may issue a citation for the violation of any ordinance. In addition, the following officials are hereby authorized to issue citations for enforcement of any provisions of this Code that are directly related to their official duties:
 - (a) The Fire Chief of the City of Madison, his or her designated Chief Officers and Madison Fire Department Officers assigned to Fire Prevention and Investigation Divisions.
 - (b) Village Building Commissioner.
 - (c) Village Zoning Administrator.
 - (d) Village Building Inspector.
 - (e) Village Plumbing Inspector.
 - (f) Village Electrical Inspector.
 - (g) Village Weed Commissioner.

(h) Village Administrator

31.07 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) issuance of corporate bonds and notes of the village of whatever name or description;
- (2) establishment of grades, curb lines, and widths of sidewalks in the public streets and alleys;
- (3) fixing of salaries of public officials and employees;
- (4) Rights, licenses, franchises, or the creation of any contract with the village;
- (5) lighting of streets and alleys;
- (6) annexation of territory to the village;
- (7) naming and changing of names of streets, alleys, public grounds, and parks;
- (8) letting of contracts without bids;
- (9) Tax and special assessment levies;
- (10) Release of persons, firms, or corporations from liability;
- (11) Construction of any public works;
- (12) Water, sewer, and electric rates, rules, regulations, and sewer and water main construction;
- (13) Budget ordinances, resolutions, and actions.

31.08 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.
- (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 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,

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.

31.09 Title; Effective Date; Citation.

These ordinances shall be known as "The Municipal Code of the Village of Shorewood Hills, Wisconsin" and shall take effect from and after passage and publication as provided in Wis. Stats. §66.035. All references thereto shall be cited by section number.