

## CHAPTER 23 - GENERAL ORDINANCES

### 23.01 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:

(1) Wisconsin Statutes. The term Wisconsin Statutes whenever used in this code shall mean the Wisconsin Statutes for the year 1977 and all later amendments and modifications thereof.

(2) General Rule. All words and phrases shall be construed and understood according to the common and approved usage of the language, but technical words or phrases and such others as may have acquired a peculiar and appropriate meaning in the law shall be construed and understood according to such peculiar and appropriate meaning.

(3) Gender: Singular and Plural. Every word in this code and in any ordinance using the masculine or feminine gender may extend and be applied to the other gender as well, 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; and every word importing the plural number only shall extend and be applied to one person or thing as well as to several persons or things; provided that these rules of construction shall not be applied to any provision which shall contain any express language excluding such construction or when the subject matter or context of such provisions may be repugnant thereto.

(4) Person. The work "person" extends and applies to natural person, firms, corporations, associations, partnerships or other bodies politic and all entities of any kind capable of being sued unless plainly inapplicable.

(5) Joint Authority. All words purporting to give joint authority to three 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 declared in the law giving the authority.

(6) Acts by Agents. When an ordinance requires an act to be done which may be 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.

(7) Time; How Computed. The time within which an act is to be done as provided in any ordinance, or in any order issued pursuant to any ordinance, when expressed in days, shall be computed by excluding the first day and including the last, except that if the last day be Sunday, it shall be excluded, and when any such time is expressed in hours, the whole of Sunday from midnight to midnight shall be excluded.

(8) Week. The word "week" shall be construed to mean seven days; but publication in the newspaper of any notice of other matter indicated to be for a stated number of weeks shall be construed to mean one insertion in each week, unless specially stated to be for each day of the week, or for more than one day in each week, and all publications heretofore made in accordance with the terms of this subsection are hereby validated.

(9) Month; Year. The word "month" shall be construed to mean a calendar month unless otherwise expressed; and the word "year" a calendar year unless otherwise expressed; and the word "year" alone shall be equivalent to the expression "Year of our Lord".

(10) Reasonable Time. In all cases where any ordinance shall require any act to be done in a "reasonable time" , or "reasonable notice" to be given to any person, such reasonable time or notice shall be deemed to mean such time only as may be necessary for the prompt performance or execution of such duty, or compliance with such notice.

(11) This code of general ordinances shall be entitled "Deerfield Village Code".

## **23.02 CONFLICT AND SEPARABILITY**

(1) Conflicting Chapters. If the provisions of different chapters of this code conflict with or contravene each other, the provisions of each chapter shall prevail as to all matters and questions growing out of the subject matter of such chapter.

(2) Conflicting Sections. If conflicting provisions be found in different sections of the same chapter, the provisions of the section which is last in numerical order shall prevail unless such construction be inconsistent with the meaning of such chapter.

(3) 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 Village President and Village Board of the Village of Deerfield 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, sentences, subsection, clauses, phrases or portions thereof may be declared invalid or unconstitutional.

### **23.03 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 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 is hereby directed and required to file, deposit and keep in this 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 at all reasonable times, subject to such order or regulations which the Clerk may prescribe for their provisions.

### **23.04 PENALTY PROVISIONS**

(1) General Penalty. The following penalty provisions shall apply with regard to the violation of any provision of the Deerfield Village Code unless a specific penalty provision has otherwise been adopted for such violation:

(a) First Offense-Penalty. Any person who shall violate any provision of this code subject to a penalty shall, upon conviction thereof, forfeit not less than ~~\$10~~ \$50 nor more than \$100, 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 said forfeiture and costs are paid, but not exceeding 90 days.

(b) Second Offense-Penalty. Any person found guilty of violating any section of this code who shall previously have been conviction of a violation of the same ordinance shall upon conviction thereof, forfeit not less than ~~\$20~~ \$80 nor more than ~~\$200~~ \$1,000, for each such offense together with the costs of prosecution and in default of payment of such forfeiture and costs shall be imprisoned in the county jail until said forfeiture and costs of prosecution are paid, but not to exceed 90 days.

Each day such violation continues shall be considered a separate offense.

(2) 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 and execution against the property of the defendant for said forfeiture and costs.

### **23.05 REPEAL OF GENERAL ORDINANCES**

All ordinances heretofore adopted by the Village Board of the Village of Deerfield 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:

## Village Ordinance-Chapter 23

- (1) The issuance of corporate bonds and notes of the Village of Deerfield 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 of Deerfield.
- (4) The lighting of streets and alleys.
- (5) The annexation of territory to the Village of Deerfield.
- (6) The naming and changing of names of streets, alleys, public grounds and parks.
- (7) The letting of contracts without bids.
- (8) Tax and special assessment levies.
- (9) Release of persons, firms or corporations from liability.
- (10) Construction of any public works.
- (11) Water, sewer and electric rates, rules and regulations and sewer and water main construction.
- (12) Budget ordinances, resolutions and actions.
- (13) The establishment of a grade of any street, alley or sidewalk.
- (14) The opening, altering, extending or improving of any street, alley, or sidewalk.
- (15) Deerfield Zoning Ordinance. The existing Deerfield Zoning Ordinance, entitled Chapter 10, shall be renumbered as Chapter 24 of the Deerfield Village Code but shall not otherwise be affected by this codification.
- (16) Subdivision Ordinance. The existing Ordinance Regulating Division and Platting or Land, entitled Chapter 22, shall be renumbered Chapter 25 but shall not otherwise be affected by this codification.

### **23.06 EFFECT OF REPEALS**

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

(1) By implication be deemed to revive any ordinances 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 to 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 any ordinance, such provisions shall apply to and control any judgment to be pronounced after such ordinance take 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 aspects, 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.

### **23.07 RULES GOVERNING NEW ORDINANCES**

(1) Effective Date. Every ordinance passed by the Village Board which does not expressly prescribe the time when it shall go into operation, shall take effect and be enforced from and after the date of its passage and publication.

(2) Form of New Ordinances. Hereafter all ordinances passed by the Village Board shall contain the following information:

(a) The appropriate decimal number of the section, subsection or paragraph of this code created, amended, repealed or revised.

(b) The name of the Village Board member who introduced such ordinance.

(c) The committee, if any, such ordinance was referred to.

## Village Ordinance-Chapter 23

- (d) The date such ordinance was reported back from said committee.
- (e) The date the ordinance was passed by the Village Board.
- (f) An identification number. Said identification number to include the year of passage and the sequential number of the ordinance passed. (e.g., The fifth ordinance passed in 1980 would be number 80-5.)

(3) Ordinances to be Recorded and Published. Hereafter all ordinances and amendments thereto passed by the Village Board shall be recorded by the Village Clerk in the book kept for that purpose, and, if so required by the Wisconsin Statutes, shall be published in the official paper of the Village. The clerk shall procure a copy of any such publication and file the same in his office.

### **23.08 CLERK TO FILE ORDINANCES: UPDATING ORDINANCES.**

(1) Original Copy. The Village Clerk shall certify one copy of this code as the original Deerfield Village Code and shall file the same. Said copy shall be retained in its original form.

(2) Updated Copy. The Village Clerk shall retain in his office at least one copy of the Village Code for the Village of Deerfield in current form in which shall be inserted all supplemental sheets as provided in subsection 3.

(3) Supplemental Sheets. 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 the Deerfield Village 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.

### **23.09 EDITING THE DEERFIELD VILLAGE CODE.**

(1) Compilation of Code Book. The Village Clerk, by May 1, 1980, shall compile an edition of the Deerfield Village Code.

(2) Updated Copy. The Village Clerk shall retain in his/her office at least one copy of the new edition of the Deerfield Village Code in which shall be inserted all supplemental sheets as provided in §23.08(3) of this ordinance.

Village Ordinance-Chapter 23

(3) Clerk to Keep Old Editions. The Village Clerk shall keep the original copy of the Deerfield Village Code provided for in §23.08(1) on file, and shall also keep a copy of the updated Deerfield Village Code provided for in §23.08(2) on file.