

Chapter 1  
**CONSTRUCTION AND EFFECT OF ORDINANCE**

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## CONSTRUCTION AND EFFECT OF ORDINANCE

### **Sec. 1-01. Title; effective date; citation.**

These ordinances shall be known as the City of Marshfield Municipal Code and shall take effect from and after passage and publication as provided in § 66.0103 Wis. Stats. All references thereto shall be cited by section number (example: section 13-06, City of Marshfield Municipal Code).

(Code 1982, § 25.07)

### **Sec. 1-02. 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:

*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.

*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.

*Person.* The term "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.

Wisconsin Statutes. All references to "Wisconsin Statutes" or "Wis. Stats." shall mean the Wisconsin Statutes, as amended.

(Code 1982, § 25.01)

### **Sec. 1-03. 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. The council hereby declares that it 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 may be declared invalid or unconstitutional.

(Code 1982, § 25.02)

### **Sec. 1-04. 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 in this Code, 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

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person during the clerk's office hours, subject to such orders or regulations which the clerk may prescribe for their preservation.

(Code 1982, § 25.03)

### **Sec. 1-05. Penalty provisions.**

- (1) *General penalty.* Except as otherwise provided, any person who shall violate any of the provisions 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 provision of this Code shall, upon conviction thereof, forfeit not less than \$5.00 nor more than \$500.00, 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.
  - (b) *Second offense.* Any person found guilty of violating any provision of this Code or part of a provision of this Code who has previously been convicted of a violation of the same provision within one year shall, upon conviction thereof, forfeit not less than \$10.00 nor more than \$750.00 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 such forfeiture and costs are paid, but not exceeding six months.
- (2) *Continued violations.* Each violation and each day a violation continues or occurs shall constitute a separate offense unless specifically provided to the contrary. Nothing in this Code shall preclude the city from maintaining any appropriate action to prevent or remove a violation of any provision of this Code.
- (3) *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.
- (4) *Additional remedies.* The imposition of a penalty as provided in this section shall not be deemed, nor shall it constitute any waiver on the part of the city, of its right to prosecute any claim for damage which might be or might have been caused to any public property by any person violating this Code.

(Code 1982, § 25.04)

### **Sec. 1-06. Repeal of general ordinances.**

Upon adoption of this Municipal Code all ordinances heretofore adopted by the council 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:

- (a) The issuance of corporate bonds and notes of the city of whatever name or description.
- (b) The establishment of grades, curblines and widths of sidewalks in the public streets and alleys.
- (c) The fixing of salaries of public officials and employees.
- (d) Rights, licenses or franchises or the creation of any contract with the city.

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- (e) The lighting of streets and alleys.
- (f) The annexation of territory to the city.
- (g) The naming and changing of names of streets, alleys, public grounds and parks.
- (h) The letting of contracts without bids.
- (i) The establishment of aldermanic districts, aldermanic district boundaries and election precincts.
- (j) Tax and special assessment levies.
- (k) Releases of persons from liability.
- (l) Construction of public works.
- (m) Water, sewer and electric rates, rules and regulations and sewer and water main construction.
- (n) Budget ordinances, resolutions and actions.
- (o) Charter ordinances of the City of Marshfield.
- (p) Traffic regulations for specific streets or portions thereof of specific areas.

(Code 1982, § 25.05)

### **Sec. 1-07. Effect of repeals.**

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

- (a) By implication be deemed to revive any ordinance not in force or existing at the time such repeal or amendment takes effect.
- (b) 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.
- (c) 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 judgment to be pronounced after such ordinance takes effect for any offense committed before that time.
- (d) 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.

(Code 1982, § 25.06)

