

MUNICIPAL CODE OF THE VILLAGE OF CASCO

CHAPTER 4

GENERAL PROVISIONS

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- 4.01 **DEFINITIONS:** The following words and phrases whenever used in the ordinances of the Village of Casco, WI, shall be construed as defined in this section unless from the context a different meaning is intended or unless a different meaning is specifically defined and more particularly directed to the use of such words or phrases:
- (a) Board means the Village Board of the Village of Casco, WI. All its members or all trustees mean the total number of trustees provided by the general laws of the State of Wisconsin as modified by Village of Casco Ordinances.
  - (b) Computation of Time means the time within which an act is to be done. It shall be computed by excluding the first day and including the last day; if the last day is a Sunday or Legal Holiday, that day shall be excluded.
  - (c) County means the County of Kewaunee
  - (d) Law denotes applicable federal law, the constitution and statutes of the state of Wisconsin, the ordinances of the Village of Casco, and when appropriate, any and all rules and regulations which may be promulgated thereunder.
  - (e) May is permissive
  - (f) Month means a calendar month
  - (g) Must and Shall; each is mandatory
  - (h) Oath shall be construed to include an affirmation or declaration in all cases in which, by law, an affirmation may be substituted for an oath and in such cases the words “swear” or “sworn” shall be equivalent to the words “affirm” and “affirmed”
  - (i) “or” may be read “and” and may be read or if the sense requires it
  - (j) Ordinance means a law of the Village, provided that a temporary or special law, administrative action, or order or directive may be in the form of a resolution.
  - (k) Owner applied to a building or land includes any part owner, joint owner, tenant in common, joint tenant or tenant by the entirety of the whole or part of such building or land.
  - (l) Person means a natural person, joint venture, joint stock company, partnership, association, club, company, corporation, business, trust, organization or the manager, lessee, agent, servant, officer or employee of any of them and all entities of any kind capable of being sued unless plainly inapplicable.
  - (m) Personal property includes money, goods, chattels, things in action and evidences of debt
  - (n) Preceding and following mean next before and next after, respectively.
  - (o) Property includes real and personal property
  - (p) Real property includes land, tenants, and hereditaments
  - (q) Sidewalk means that portion of a street between the curb line and the adjacent property line intended for the use of pedestrians.
  - (r) State means the state of Wisconsin
  - (s) Street includes all streets, highways, avenues, lanes, courts, places, squares, curbs or other public ways in this Village which have been or may hereafter be dedicated and open to public use, or such other public property so designated in any law of this state
  - (t) Tenant and occupant, applied to a building or land includes any person who occupies whole or part of such building or land whether alone or with others
  - (u) Title of Office is use of the title of any officer, employee, board or commission means that officer, employee, department, board or commission of the Village.
  - (v) Village means the Village of Casco, WI or the area within the territorial limits of the Village.
  - (w) Wisconsin Statutes shall mean the Wisconsin Statutes for the year 1973 wherever used in this code.
  - (x) Written includes printed, typewritten, mimeographed or multigraph.
  - (y) Year means a calendar year.
- 4.02 **CONSTRUCTION OF WORDS AND PHRASES:** All words and phrases shall be construed and understood according to the common and approved usage of language, but technical words and 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.
- 4.03 **ACTS BY AGENT OF PRINCIPAL PERSON:** When an act is required by an ordinance the same being such that it may be done as well by an agent as by the principal, such requirement shall be construed as to include all such

acts performed by an authorized agent.

4.04 GRAMMATICAL INTERPRETATION: The following grammatical rules shall apply in the ordinances of the Village unless express language or the subject matter or context precludes their application.

- (a) Gender; the masculine gender includes the feminine gender
- (b) Singular and plural, the singular number includes the plural, and the plural includes the singular.
- (c) Tenses; words used in the present tense include the past and the future tenses and vice versa, unless manifestly inapplicable
- (d) The use of words and phrases; words and phrases not specifically defined shall be construed according to the context and approved usage of language.

4.05 PROHIBITED ACTS INCLUDE CAUSING, PERMITTING, ETC.: Whenever in the ordinances of the Village, any act or omission is made unlawful, it shall include causing, allowing, permitting, aiding, abetting, suffering or concealing the fact of such act or omission.

4.06 INTENT OF PROVISIONS. The provisions of the ordinances of the Village and all proceedings under them are to be construed with a view to affect their objects and promote justice.

4.07 CONFLICT OF PROVISIONS: If the provisions of the ordinances of the Village and all proceedings under them are to be construed with a view to affect their objects and to promote justice.

4.08 PENALTY PROVISIONS:

(1) General penalty; whenever so provided in this code, any person who shall violate any of the provisions of this code shall upon conviction of such violation, be subject to a penalty.

(a) First offense penalty. Any person who shall violate the provision for this code subject to a penalty shall, upon conviction thereof, forfeit not less 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 ordinance or part of an ordinance of this code who shall previously have been convicted of a violation of the same ordinance shall upon conviction thereof, forfeit not more than \$200 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 said forfeiture and costs of prosecution are paid, but not to exceed 6 months.

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

(3) Imprisonment. No violation of any ordinance of the Village shall be, or be construed to be, a misdemeanor nor shall imprisonment be imposed as a punishment for violation of any ordinance of the Village except in the event of a failure of the defendant to pay the forfeiture imposed by the court, any other provision of the general ordinances of the village to the contrary notwithstanding. For statutory provisions regarding conformance of municipal ordinance penalties to penalties prescribed by statute, see WSA S.66.12. This section shall not be construed by authorize imprisonment of a defendant for failure to pay forfeiture or costs solely because the defendant is indigent and cannot forthwith pay his fine in full. The penalty for violation of any provision of this chapter shall be a forfeiture and penalty assessment if required by §165.87, Wis. Stats., a jail assessment if required by §53.46(1), Wis. Stats., plus any applicable fees prescribed in Ch. 814, Wis. Stats.

(4) STATE FORFEITURE STATUTES. Any forfeiture for violation of the state statutes adopted by reference in §4.01 of this chapter shall conform to the forfeiture permitted to be imposed for violation of such statutes as set forth in the State of Wisconsin of the Wisconsin Judicial Conference, including any variations or increases for subsequent offenses, which schedule is adopted by reference.

(5) STATE FINE STATUTES. The forfeiture for violation of any statute adopted by reference hereunder for which the penalty is a fine shall not exceed the maximum fine permitted under such statute.

4.09 RIGHT OF ENTRY FOR INSPECTION: Whenever necessary to make an inspection to enforce any ordinance or resolution, or whenever there is reasonable cause to believe there exists an ordinance or resolution violation in any building or upon any premises within the jurisdiction of the Village, any authorized official of the Village may, upon presentation of proper credentials, enter such building or premises at all reasonable times to inspect the same or to perform any duty imposed upon him by ordinance; provided, that except in an emergency situation or when consent of the owner and/or occupant to the inspection has been otherwise obtained, he shall give the owner and/or occupant, if they can be located after reasonable effort, twenty four (24) hours written notice of the authorized official's intention to inspect. The notice transmitted to the owner and/or occupant shall state that that the property owner has the right to refuse entry and that in the event such entry is refused, inspection may be made only upon issuance of a search warrant by a duly authorized magistrate. In the event the owner and/or occupant refuses entry after such a request has been made, the official is empowered to seek assistance from any court of competent jurisdiction in obtaining such entry.

4.10 REPEAL OF GENERAL ORDINANCES: All ordinances heretofore adopted by the Village Board of the Village of Casco 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 note of the Village of Casco whatever name or description
- (2) The establishment of grades, curb lines and widths of sidewalks in public streets
- (3) the fixing of salaries of public officials and employees
- (4) Rights, licenses or franchises or the creation of any contract with te Village of Casco
- (5) The lighting of streets
- (6) the annexation of territory to the Village of Casco
- (7) The naming and changing of names of streets, public grounds and parking
- (8) The 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) Sewer rates, rules and regulations and sewer main construction
- (13) Budget ordinances, resolutions and actions

4.11 EFFECT OF REPEALS: The repeal or amendment of any section or provision of this cord 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 at 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 Board.
- (3) Affect any offense committed or penalty or forfeiture incurred, previous to the time when any ordinance shall be repealed or amended, except what when any forfeiture or penalty shall have been mitigated by the provisions of any ordinance, such provision shall apply to and control any judgment 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 foresaid 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 has 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.

4.12 CLERK TO FILE ORDINANCES: Supplemental sheets: The Village Clerk shall certify one copy of this code as

the original Casco Municipal Code 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/her office at least one copy of the Casco Municipal Code in current form in which shall be inserted all supplemental sheets as hereinafter provided. Whenever any ordinance amending, repealing, revising or creating any section of this code is adopted by the Village Board, the Clerk, after recordings of such ordinances in the ordinance book, shall cause copies of such ordinance to be reproduced on supplemental sheets in proper form for insertion in the municipal code and shall insert such ordinances in all copies of this code in his/her possession except the aforementioned original copy. The clerk shall make such supplemental sheets available (at a fee specified by the Village Board) to all persons requesting the same.

4.13 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 his/her 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.

4.14 STYLE OF ORDINANCE ADDITIONS, AMENDMENTS AND REPEALS: All general ordinances hereafter enacted by the Village Board of the Village of Casco shall be numbered in chronological order, prefixed by the letter "a" and shall indicated by appropriate decimal number the section, subsection or paragraph of this code created, amended, repealed or revised.