

CHAPTER 1

CONSTRUCTION AND GENERAL PROVISIONS

1.01. GENERAL REPEALING CLAUSE: All ordinances heretofore passed and adopted by the Village Board of the Village of New Auburn are hereby repealed, except all ordinances or parts of ordinances relating to the following subjects and not conflicting with any of the provisions of this code: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 New Auburn of whatever name or description, and the providing of a tax levy to pay the principal or interest of any such bond or note.

(2) The laying, bounding, extending or widening any public street, highway, alley, or other public grounds of the Village of New Auburn.

(3) The authorization or ratification of the making of any contract by or on behalf of the Village of New Auburn.

(4) The construction of sewers and plans for sewer construction in the Village of New Auburn; the construction of water mains, wells, and other water utility services and the plans for the same in the Village of New Auburn; and, the granting of a franchise to any person, firm, or corporation to operate any public utility in the Village of New Auburn.

(5) The establishment of width, grade or elevation of the streets, curb lines or curbs.

(6) The annexation of territory to the Village of New Auburn.

(7) The Village Library.

(8) The granting of a franchise to railroad companies to maintain tracks on and along the streets of the Village of New Auburn.

(9) The naming and changing of names of streets, alleys, public grounds and parks.

1.02. EFFECT OF REPEAL: When any ordinance repealing a former ordinance, clause or provision shall be itself repealed, such repeal shall not be construed to revive such former ordinance, clause or provision, unless it shall expressly be so provided.

1.03. CONSTRUCTION OF ORDINANCES: When construing the ordinances of the Village of New Auburn, the following rules shall be observed, unless such construction would be inconsistent with the express content or manifest intent of the ordinance:

(1) **WISCONSIN STATUTES:** The term "Wisconsin Statutes" wherever used in this code shall mean the Wisconsin Statutes for the years 1993-1994, as revised from time to time.

(2) **GENDER, SINGULAR AND PLURAL:** Every word in any ordinance importing the masculine gender shall extend to and be applied to females as well as males; and every word importing the singular number shall extend to and be applied to several persons or things as well as to one person or thing.

(3) **PERSON:** The word "person" extends to and applies to firms, corporations, or voluntary associations, as well as to individuals, unless plainly inapplicable.

(4) **HIGHWAYS:** Where used in this code, the word "highway" refers to the alleys, streets, and highways of the Village of New Auburn.

(5) **REASONABLE TIME OR NOTICE:** In all cases where any ordinance shall require any act to be done in a reasonable time or a reasonable notice to be given, such reasonable time or notice shall be deemed to mean such time only as may be necessary for the prompt performance of such duty, or compliance with such requirement of notice.

(6) **COUNTY JAIL:** In all cases where the words "county jail" are used in any provision of this code, the words shall be construed to mean the County Jail of Chippewa and/or Barron County.

(7) **ELECTION DATES TO CONFORM TO STATE LAW.** If by reason of state law change, the election dates (ex. 1st Tuesday in April changes to 3rd Tuesday in April in 1996), are changed, these ordinances shall automatically contain such revised date.

1.04. CONFLICT AND SEPARABILITY

(1) **CONFLICT OF PROVISIONS:** If any provision 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 arising out of the subject matter of such chapter.

(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 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.

1.05. GENERAL PENALTY WHEN NO PENALTY IS PROVIDED

(1) Any person who violates any provision of any ordinance of the Village of New Auburn for which no other penalty is fixed shall, upon conviction thereof, be subject to forfeiture not to exceed \$200.00.

(2) When a forfeiture shall be imposed for the violation of any ordinance of the Village of New Auburn or any section thereof, the court may also sentence the defendant to pay the costs of the action and to be imprisoned until such forfeiture and costs are paid, in no case, however, to exceed six (6) months; and the court may also issue an execution against the property of the defendant for the amount of the forfeiture and the costs.

(3) No violation of any ordinance of the Village of New Auburn shall be construed to be a misdemeanor nor shall imprisonment be imposed as a punishment for violation of any ordinance of the Village of New Auburn except in the event of the failure of any defendant to pay the forfeiture imposed by the court in accordance with the provisions of this code.

1.06. ADOPTION OF CITATION ENFORCEMENT PROCEDURE FOR VIOLATIONS OF ORDINANCES:

(1) The Village of New Auburn adopts, by this ordinance, the use of the citation method of enforcement of ordinance violations.

(A) If the Village of New Auburn has a municipal court in existence, the provisions of Section 800 including the form of citation set forth in 800.02, Wisconsin Statutes, may be used.

(2) If the Village of New Auburn shall not have a municipal court in existence, a citation meeting the requirements of Section 66.119, Wisconsin Statutes, may be used where applicable.

(3) The form of the Wisconsin Uniform Municipal Citation Form, MSC-1, is adopted as the citation form to be used by enforcement officials of the Village of New Auburn. A copy of form MSC-1 shall henceforth be used by the Village of New Auburn where applicable. For violations as to which The Uniform Traffic Citation, Section 345.11, Wisconsin Statutes, applies, such citation form may be used.

(4) Cash deposits may be made to the Village Clerk or the Village Treasurer. Receipts shall be given therefore. The provisions of Section 66.12, Wisconsin Statutes shall apply.

(5) The Schedule of Cash Deposits set forth as Appendix A is adopted for the various ordinance violations and for the penalty assessment imposed by Section 165.87, Wisconsin Statutes. The Schedule is to be amended by ordinance after review by the municipal attorney.

1.07. EFFECTIVE DATE: This code shall take effect and be in force from and after its adoption, passage and publication and posting, filing, and recording in accordance

with the provisions of Section 66.035 and/or Section 61.50, Wisconsin Statutes, a copy of said code when printed is to be kept on file and open for public inspection in the Office of the Village Clerk of the Village of New Auburn.