

CHAPTER 11 GENERAL PROVISIONS

Table of Contents

- 11.01 Rules of Construction
- 11.02 Conflict and Severability
- 11.03 Clerk to File Documents Incorporated by Reference
- 11.04 Penalty Provisions
- 11.05 Fees and Charges
- 11.06 Repeal of General Ordinances
- 11.07 Effect of Repeals
- 11.08 Effective Date - Citation

11.01 Rules of Construction.

In the construction of this code or general ordinances, the following rules shall be observed, unless such construction would be inconsistent with the manifest intent of the ordinance.

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

(2) Person. The word “person” extends and applies to natural persons, firms, corporations, associations, partnerships or other bodies politic and all entities of any kind capable of being sued unless plainly inapplicable.

(3) Acts by Agents. When a provision 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.

(4) Time. The time within which an act is to be done, or proceeding, had, or taken shall be computed excluding the first day and including the last; and when any such time is expressed in hours, the whole of Sunday and of any legal holiday, from midnight to midnight, shall be excluded. If the last day within which an act is to be done, or proceeding, had or taken, falls on a Sunday or legal holiday, the act may be done or the proceeding had or taken on the next secular day.

11.02 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 this code or any ordinance of the Town 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, clause or phrase of portion thereof. The Town Chairman and Town Board of the Town of Sheboygan Falls 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 section, subsection, sentence, clause or phrases or portions thereof may be declared invalid or unconstitutional.

11.03 Clerk to File Documents Incorporated by Reference.

Whenever in this code any standard, code rule, regulation or other written and 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 Town 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 adopted. Materials so file, deposited and kept shall be public records open for examination with proper care by any person, subject to such orders or regulations which the Clerk may prescribe for their preservation.

11.04 Penalty Provisions.¹

1. General Penalty.

Except where a penalty is otherwise 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, which shall be as follows:

(a) First Offense – Penalty

Any person who shall violate any provision of this Code shall, upon conviction thereof, forfeit not less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$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 said forfeiture and costs are paid, but not exceeding ninety (90) days.

(b) Second Offense – Penalty

¹ Repealed & Recreated 7/2/2018 by Ordinance 1 2018/2019.

Any person found guilty of violating any ordinance or part of any ordinance of this Code referring to this section who has previously been convicted of a violation of the same ordinance within two (2) years shall, upon conviction thereof, forfeit not less than One Hundred Dollars (\$100.00) nor more than One Thousand (\$1000.00) 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 to exceed six (6) months.

2. Continued Violations.

Each violation and each day a violation continues or occurs shall constitute a separate offense. Nothing in this Code shall preclude the Town from maintaining any appropriate action to prevent or remove a violation of any provision of this Code.

3. Restitution.

Any violation of a provision of this Code similar to conduct prohibited by state statute resulting in damage to property or physical injury to a person shall require restitution to be made upon conviction thereof. Such restitution shall be limited to the lesser of the amount of the actual damages or Two Hundred Dollars (\$200.00). Any person who shall cause physical damage to or destroy any public property shall be liable for the cost of replacing or repairing such damaged or destroyed property. The parent or parents of any minor child who violates Section 9.05 may also be held liable for the cost of replacing or repairing such damaged or destroyed property in accordance with the Wisconsin Statutes. Nothing in this Municipal Code of Ordinances shall prevent the Town of Sheboygan Falls from referring violations of the provisions of this Title to the District Attorney's Office in the interest of justice.

4 Attempt.

(a) Whoever attempts to commit an act prohibited by Section 9 of the Code of Ordinances of the Town of Sheboygan Falls may be required to forfeit amounts not to exceed one-half (1/2) the maximum penalty for the completed act.

(b) An attempt to commit an act prohibited by the ordinances in Section 9 requires that the actor have an intent to perform acts and attain a result which, if accomplished, would constitute a violation of these ordinances and that they acts towards that commission of the violation which demonstrates unequivocally, under the circumstances, that they formed that intent and would commit the violation except for the intervention of another person or some other extraneous factor.

11.05 Fees and Charges.

The following fees shall be charged for permits or licenses unless otherwise set forth in this ordinance or under the laws of the State of Wisconsin or ordinances of Sheboygan County. All fees set forth hereunder are annual fees unless otherwise indicated:

1- Lost or destroyed license or permit	\$5.00
2- Junk or junked vehicle dealers (4.02)	\$50.00
3- Pharmacist Permit	\$10.00
4- Dog License (4.04) Unaltered Female or Male	\$12.00
Spayed Female or Neutered Male	\$5.00
5- Mobile Home Park License (5.03)	
For each 50 spaces or fraction	\$100.00
Transfer of License	\$10.00
6- Holding Tanks (6.03)	
Permit of Agreement Fee	NONE
Performance Bond	NONE
7-Special Assessment Letter Request Fee	\$40.00
8-13. Blank	
14- Fireworks Permit	\$25.00

11.06 Repeal of General Ordinances.

All ordinances heretofore adopted by the Town of Sheboygan Falls similar to or in conflict herewith are hereby repealed.

11.07 Effect of Repeals.

The repeal or amendment of any section or provision of this code or of any other ordinance or resolution of the Town 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 Town.

(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 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 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.

11.08 Effective Date – Citation.

These ordinances shall be known as the “Municipal Code of the Town of Sheboygan Falls” and shall take effect from and after passage and publication. All reference thereto shall be cited by section number.