

Chapter 1

GENERAL PROVISIONS

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[HISTORY: Adopted by the Village Board of the Village of Forestville as indicated in article histories. Amendments noted where applicable.]

ARTICLE I Construction and Penalties

[Adopted 1-8-1990 by Ord. No. 1-90 as §§ 25.01, 25.02(1), 25.03 and 25.04 of the 1990 Code]

§ 1-1. Rules of construction.

In the construction of this Code, the following rules shall be observed unless such construction would be inconsistent with the manifest intent of the ordinance:

- A. Wisconsin Statutes. All references to "Wisconsin Statutes" or "Wis. Stats." means the Wisconsin Statutes as of the adoption of this Code, as amended or renumbered from time to time.¹
- B. Wisconsin Administrative Code. All references to "Wisconsin Administrative Code" or "Wis. Adm. Code" means the Wisconsin Administrative Code as of the adoption of this Code, as amended or renumbered from time to time.
- C. Gender, singular and plural. Every word in this Code 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.
- D. Person. The word "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.
- E. May and shall. The word "may" is discretionary; the word "shall" is mandatory.

1. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

- F. 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.
- G. Verbs. The use of any verb in the present tense shall not preclude the interpretation of the verb in the future tense where appropriate.

§ 1-2. Conflict.

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.

§ 1-3. 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 herein 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 person during the Clerk's office hours, subject to such orders or regulations which the Clerk may prescribe for their preservation.

§ 1-4. Violations and penalties.

- A. 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:
 - (1) First offense. Any person who shall violate any provision of this Code shall, upon conviction thereof, forfeit not less than \$5 nor more than \$500, 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.
 - (2) Second offense. Any person found guilty of violating any ordinance or part of an ordinance of this Code who has previously been convicted of a violation of the same ordinance within one year shall, upon conviction thereof, forfeit not less than \$50 nor more than \$500 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.
- B. Continued violations. Each violation and each day a violation continues or occurs shall constitute a separate offense. Nothing in this Code shall preclude the Village from maintaining any appropriate action to prevent or remove a violation of any provision of this Code.

- C. 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 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 such forfeiture and costs.

ARTICLE II
Adoption of Code

[An ordinance adopting the Code of the Village of Forestville and making certain substantive changes to existing ordinances of the Village is presently proposed before the Village Board. Upon final adoption, it will be included here as Article II of this chapter.]

