

# Chapter 2

## General Provisions

### Table of Contents

2.01	Title	Page 2
2.02	Construction	Page 2
2.03	Definitions	Page 2
2.04	Grammatical Interpretation	Page 4
	a. Gender	Page 4
	b. Singular and Plural	Page 4
	c. Tenses	Page 4
2.05	Acts by Agents	Page 4
2.06	Computation of Time	Page 4
2.07	Prohibited Acts	Page 4
2.08	Conflict, Validity and Interpretation	Page 5
	a. Conflict	Page 5
	b. Validity	Page 5
	c. Interpretation	Page 5
2.09	Penalty Provisions	Page 5
	a. General Penalty	Page 5
	b. Forfeitures	Page 5
	c. Execution against Defendants Property	Page 5
2.10	Publication of Municipal Code/Ordinance	Page 6
	a. Publication	Page 6
	b. Proof of Publication	Page 6
2.11	Filing of Municipal Code/Ordinances/Documents	Page 6
	a. Municipal Code	Page 6
	b. Amendments, Repeals, Revisions and Additions	Page 6
	c. Documents	Page 6

## Chapter 2

### General Provisions

- 2.01 Title
- 2.02 Construction
- 2.03 Definitions
- 2.04 Grammatical Interpretation
- 2.05 Acts by Agents
- 2.06 Computation of Time
- 2.07 Prohibited Acts
- 2.08 Conflict, Validity and Interpretation
- 2.09 Penalty Provisions
- 2.10 Publication of Municipal Code/Ordinances
- 2.11 Filing of Municipal Code/Ordinances/Documents

#### **2.01 TITLE**

These ordinances shall be know as the "Municipal Code of the Village of Amherst, Wisconsin" and shall take effect from and after passage and posting.

Effective: 7-14-81

#### **2.02 CONSTRUCTION**

The provisions of the ordinances of the Village of Amherst, and all proceedings under them are to be construed with a view to effect their objects and to promote justice.

Effective 7-14-81

#### **2.03 DEFINITIONS**

The following words and phrases, whenever used in the ordinances of the Village of Amherst, Wisconsin, 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:

Law: Denotes applicable federal law, the Constitution and Statutes of the State of Wisconsin, the ordinances of the Village of Amherst, and, when appropriate, any and all rules and regulations which may be promulgated thereunder.

May: is permissive

Must and Shall: are each mandatory

Oath: Includes 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" and "sworn" shall be equivalent to the words "affirm" and "affirmed."

Owner: Applied to a building or land, includes any part owner, joint owner, tenant in common, joint tenant, tenant by the entirety, of the whole, or a part of such building or land.

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.

Personal Property: Includes money, goods, chattels, things in action and evidences of debt.

Proceeding and Following: mean next before and next after, respectively.

Property: Includes real and personal property

Real Property: Includes lands, tenements and hereditaments

Sidewalk: Means that portion of a street between the curblines and the adjacent property line intended for the use of the pedestrians.

Street: Includes all streets, highways, avenues, lanes, alleys, 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.

Tenant and Occupant: Applied to a building or land, include any person who occupies the whole or a part of such building or land, whether alone or with others.

Written: Includes printed, typewritten, mimeographed, multigraphed, or otherwise reproduced in permanent visible form.

Year: Means a calendar year.

Effective 7-14-81

## **2.04 GRAMMATICAL INTERPRETATION**

The following grammatical rules shall apply in the ordinances of the Village of Amherst, unless it is apparent from the context that a different construction is intended:

- A. Gender: Each gender includes the masculine, feminine and neuter gender.
- B. Singular and Plural: The singular number includes the plural and the plural includes the singular.
- C. Words used in the present tense include the past and the future tenses and vice versa, unless manifestly inapplicable.

Effective: 7-14-81

## **2.05 ACTS BY AGENTS**

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 to include all such acts performed by an authorized agent.

Effective: 7-14-81

## **2.06 COMPUTATION OF TIME**

Except when otherwise provided, the time within which an act is required to be done shall be computed by excluding the first day and including the last day, unless the last day is Sunday or a holiday, in which case it shall also be excluded.

Effective: 7-14-81

## **2.07 PROHIBITED ACTS**

Prohibited acts include causing and permitting. Whenever in the ordinances of the Village of Amherst, 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.

Effective 7-14-98

## 2.08 CONFLICT, VALIDITY AND INTERPRETATION

A. 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.

B. Validity: Should any section or provision of this ordinance be declared by a Court of Competent Jurisdiction to be invalid, that decision shall not affect the validity of the ordinance as a whole or any part thereof, other than the part so declared to be invalid.

C. Interpretation: In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the Village of Amherst and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes.

Effective 7-14-81

## 2.09 PENALTY PROVISIONS

A. General Penalty: Whenever so provided in this Code, any person who shall violate any of the provisions of this Code shall be subject to a forfeiture as set forth herein, together with the costs of prosecution. Any person in default of payment of such forfeiture and cost of prosecution, as ordered by the Court, may be incarcerated in the Portage County Jail for a period of time not to exceed that set opposite the class of forfeiture, set forth in subsection B, below, or until such forfeiture and costs are paid.

A separate offense shall be deemed committed each day a violation occurs or continues.

B. Forfeitures:

1. Class "A" Not to exceed ten thousand dollars (\$10,000) or one year in jail
2. Class "B" Not to exceed five thousand dollars (\$5000) or nine months in jail
3. Class "C" Not to exceed one thousand dollars (\$1000) or one hundred and twenty days in jail
4. Class "D" Not to exceed five hundred dollars (\$500) or sixty days in jail
5. Class "E" Not to exceed two hundred dollars (\$200) or thirty days in jail

C. 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 of Amherst, 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.

Effective: 7-14-81

Revised: 3-27-84

## **2.10 PUBLICATION OF MUNICIPAL CODE/ORDINANCES**

A. Publication: All ordinances passed by the Amherst Village Board of Trustees shall be signed by the President and countersigned by the Clerk/Treasurer, and shall, before taking effect, have copies posted in at least three public places in the Village of Amherst for at least one week before the same shall take effect.

B. Proof of Publication: Proof of such publication by the affidavit/certificate of the Village of Amherst Clerk/Treasurer, shall be attached to the file with each such ordinance and noted on the record thereon and shall be prima facie evidence of the facts stated therein.

Effective: 7-14-81

## **2.11 FILING OF MUNICIPAL CODE/ORDINANCES/DOCUMENTS**

A. Municipal Code: The Village Clerk/Treasurer shall certify one copy of this code as the original Municipal Code of the Village of Amherst, Wisconsin and shall file the same. Such copy shall be retained in its original form. In addition, the Clerk/Treasurer shall retain in his office at least one copy of the Municipal Code of the Village of Amherst, Wisconsin in current form in which shall be inserted all supplemental sheets as hereinafter provided.

B. Amendments, Repeals, Revisions and Additions: Whenever any ordinance amending, repealing, revising or creating any section of this code is adopted by the Village Board, the Clerk/Treasurer, after recording of such ordinance in the Municipal Code 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 possession except the aforementioned original copy. The Clerk/Treasurer shall make such supplemental sheets available to all persons requesting the same.

C. Documents: 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/Treasurer is hereby directed and required to 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/Treasurer's office hours, subject to such orders or regulations which the Clerk/Treasurer may prescribe for their preservation.

Effective: 7-14-81