

# TOWN OF MENASHA CODE

## CHAPTER 18

### CONSTRUCTION AND EFFECT OF ORDINANCES

#### 18.01 RULES OF CONSTRUCTION

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

- (1) **Wisconsin Statutes.** The term WI Stats., wherever used in this Code shall mean the Wisconsin Statutes for the year 1983 and the 1985 session laws as enacted by the 1985 et al. legislature.
- (2) **Gender, Singular and Plural.** Every word in this Code and in any ordinance importing the masculine gender may extend and be applied to females as well as males, and every word 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 any express language excluding such construction or when the subject matter or context of such provision may be repugnant thereto.
- (3) **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.
- (4) **Acts or 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.

#### 18.02 CONFLICT AND SEPARABILITY

**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.

**Separability of Code Provisions.** If any Section, Subsection sentence, clause or phrase of the 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, phrase or portion thereof irrespective of the fact that any one or more Sections, Subsections, sentences, clauses, phrases or portions thereof may be declared invalid or unconstitutional.

#### 18.03 REPEAL OF GENERAL ORDINANCES

All ordinances heretofore adopted by the Town Board are hereby repealed, except all ordinances or parts of ordinances relating to the following subjects and not conflicting with any of the provisions of this Code: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 Town of whatever name or description.
- (2) The establishment of grades, curb lines and widths of roads in the public roads and alleys.
- (3) The fixing of salaries of public officials and employees.
- (4) Rights, licenses or franchises or the creation of any contract with the Town.
- (5) The lighting of roads and alleys or other public areas.
- (6) The naming and changing of names of roads, alleys, public grounds and parks.
- (7) The establishment of districts, district or boundaries and election precincts.
- (8) Tax and special assessment levies.
- (9) Release of persons, firms or corporations from liability.
- (10) Construction of any public works.
- (11) Water, sewer and electric rates, rules and regulations and sewer and water main construction, bulkhead lines established by ordinance.
- (12) Budget ordinances, resolutions and actions.

#### 18.04 EFFECT OF REPEALS

The repeal of amendment of any Section or provision of this Code or of any other ordinance or resolution of the 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.

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- (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 ordinance aforesaid 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 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.

### **18.05 TITLE: EFFECTIVE DATE: CITATION**

These ordinances shall be known as the "Municipal Code of the Town of Menasha" and shall take effect from and after passage and publication as provided in Section 66.035, WI Stats. All references thereto shall be cited by Section number (example: Section 13.06, Municipal Code of the Town of Menasha).