

ORDINANCE

USE AND CONSTRUCTION OF CODE OF ORDINANCES

THE TOWN BOARD OF THE TOWN OF CLEVELAND , CHIPPEWA COUNTY, DOES HEREBY ORDAIN AS FOLLOWS:

The following Ordinance, Title 1, Chapter 2, is hereby adopted by the Town Board on behalf of the Town of Cleveland to be codified in the Town Code of Ordinances:

CHAPTER 2

USE AND CONSTRUCTION OF CODE OF ORDINANCES

- 1-2-1 Purpose and Authority
- 1-2-2 Codification
- 1-2-3 Publication of the Code of Ordinances
- 1-2-4 Amendments to the Code of Ordinances
- 1-2-5 Principles of Construction
- 1-2-6 Conflict of Provisions
- 1-2-7 Severability

SEC. 1-2-1 PURPOSE AND AUTHORITY.

The purpose of this Ordinance is to compile and order the current and future ordinances of the Town of Cleveland in order to provide the public with a ready reference for inspection of the Town's ordinances and for enforcement of such ordinances. These ordinances shall be known and referred to as the "Town of Cleveland Code of Ordinances", hereinafter referred to as the "Code of Ordinances". The Town adopts this Ordinance by the powers granted it by sec. 66.0103, 60.23, and 60.50 Wis. Stats., chap. 82, Wis. Stats., and by the Town's adoption of Village Powers under sec. 60.10, Wis. Stats.

SEC. 1-2-2 CODIFICATION.

- (a) The Code of Ordinances shall be composed of chapters.
- (b) Each ordinance shall be codified by being inserted in a chapter in the Code of Ordinances.
- (c) The Code of Ordinances may also include supplementary materials that the Town determines may assist the general public in interpreting and understanding ordinances included in the Code of Ordinances.
- (d) Copies of ordinances and supplementary materials shall be assembled into a single publication referred to as the Code of Ordinances and shall be bound in an appropriate and reasonable manner in order to allow for removal of repealed ordinances, replacement of existing ordinances by amended versions, and the creation of new ordinances.

SEC. 1-2-3 PUBLICATION OF THE CODE OF ORDINANCES.

- (a) A copy of the Code of Ordinances shall be available for public inspection at least two (2) weeks prior to enactment, as required by sec. 66.0103(1), Wis. Stats.
- (b) Subsequent to enactment, a copy of the Code of Ordinances shall be available for public inspection in the Office of the Town Clerk.
- (c) Publication of the Code of Ordinances enacted pursuant to sec. 66.0103(2), Wis. Stats., in a book or pamphlet form meets the publication requirements of chap. 60.80, Wis. Stats.

SEC. 1-2-4 AMENDMENTS TO THE CODE OF ORDINANCES.

- (a) The creation of a new ordinance or the amendment of an existing ordinance shall include in the ordinance's title a reference to the ordinance's chapter number in the Code of Ordinances and shall include a section incorporating the new ordinance or amendment to an existing ordinance into the Code of Ordinances.
- (b) When an existing ordinance is amended, the amended section(s) shall be incorporated into the ordinance and the entire ordinance retyped, deleting the obsolete section(s) and replacing them with the amended section(s) prior to the insertion of the ordinance into the Code of Ordinances. The original version shall be removed from the Code of Ordinances and placed in the Town's historical records. This allows a person inspecting an ordinance to view the current ordinance as a whole without having to construct the ordinance through amendments.
- (c) If an ordinance is no longer needed, the Town shall repeal the ordinance and remove the ordinance from the Code of Ordinances. The repealed ordinance shall be placed in the Town's historical records.
- (d) A newly created ordinance shall be codified by being placed in a new chapter or in a chapter that has been vacated by a repealed ordinance.

SEC. 1-2-5 PRINCIPLES OF CONSTRUCTION.

The following rules and meanings shall be applied in the construction and interpretation of ordinances codified in this Code of Ordinances unless such application would be clearly inconsistent with the plain meaning or intent of the ordinances:

- (a) Acts by Agents. When an ordinance requires an act be done by a person which may be legally performed by an authorized agent of that person, the requirement shall be construed to include all acts performed by such agents.
- (b) Town. "Town" shall refer to the Town of Cleveland and the Town of Cleveland Town Board where appropriate.
- (c) Code and Code of Ordinances. The words "Code" and "Code of Ordinances" shall refer to this Code of Ordinances unless the context clearly indicates otherwise.
- (d) Computation of Time. In computing any period of time prescribed or allowed by these ordinances, the day of the act or event from which the period of time begins to run shall not be included, but the last day of the period shall be included, unless it is a Saturday, Sunday, or legal holiday. If the period of time prescribed or allowed is less than seven (7) days, Saturdays, Sundays, and legal holidays shall be excluded in the computation. "Legal holiday" means any holiday specified by state law.
- (e) Fine. The term "fine" shall be the equivalent of the word "forfeiture" and vice versa.
- (f) Gender. Every word in the Ordinances referring to the masculine gender shall also be construed to apply to the female gender, and vice versa.
- (g) General Rule. All words and phrases shall be construed according to their plain meaning in common usage. However, words or phrases with technical or special meaning shall be understood and construed according to that technical or special meaning if such is the intent of the ordinances.

- (h) Person. The word "person" shall mean any of the following entities: natural persons, corporations, partnerships, associations, bodies politic, or any other entity of any kind which is capable of being sued.
- (i) Repeal. When any ordinance having the effect of repealing a prior ordinance is itself repealed, such repeal shall not be construed to revive the prior ordinance or any part thereof, unless expressly so provided.
- (j) Singular and Plural. Every word in these ordinances referring to the singular number only shall also be construed to apply to several persons or things, and every word in these ordinances referring to a plural number shall also be construed to apply to one (1) person or thing.
- (k) Tense. The use of any verb in the present tense shall not preclude the interpretation of the verb in the future tense where appropriate.
- (l) Wisconsin Statutes. The term "Wisconsin Statutes" and its abbreviation as "Wis. Stats." shall mean, in these ordinances, the Wisconsin Statutes for the year 2003-04, as amended.
- (m) Wisconsin Administrative Code. The term "Wisconsin Administrative Code" and its abbreviation as "Wis. Adm. Code" shall mean the Wisconsin Administrative Code as of the adoption of this Code of Ordinances, as amended or renumbered from time to time.

SEC. 1-2-6 CONFLICT OF PROVISIONS.

If the provisions of different chapters are in conflict, the provisions of each chapter shall control all issues arising out of the events and persons intended to be governed by that chapter. If the provisions of different sections of the same chapter are in conflict, the provision which is more specific in its application to the events or persons raising the conflict shall control over the more general provision.

SEC. 1-2-7 SEVERABILITY.

Should any section, clause, provision or portion of this Ordinance be adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby.