

CHAPTER XV (FIFTEEN)

INTERPRETATION AND EFFECT OF ORDINANCES

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15.01 TITLES, CHAPTERS, SECTIONS.

(1) REFERENCES.

All references to titles, chapters, sections, subsections or paragraphs refer to this code of revised ordinances, unless otherwise indicated.

(2) 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 to all matters and questions arising out of the subject matter of such chapter.

(3) SEVERABILITY OF CODE PROVISIONS.

If any section, subsection, sentence, clause or phrase of this revised Municipal 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 or phrase or portion thereof. The President and Board Members of the Village of Bloomington 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 sections, subsections, sentences, clauses or phrases may be declared invalid or unconstitutional.

15.02 RULES OF CONSTRUCTION.

(1) GENDER, SINGULAR AND PLURAL.

Every word in this code and in any ordinance of the Village 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 one person or thing as well as to several persons or things; 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 provisions may be repugnant thereto.

(2) TIME: HOW COMPUTED.

The time within which an act is to be done as provided in any of the provisions of this code when expressed in days, shall be computed by excluding the first day and including the last except that if the last day be Sunday it shall be excluded; and when any such time is expressed in hours, the whole of Sunday from midnight to midnight shall be excluded. In all cases where any ordinance shall require any act to be done in a reasonable time or reasonable notice be given, such reasonable time or notice shall be deemed to mean such time only as may be necessary for the prompt performance of such duty, or compliance with such notice.

(3) "PERSON" DEFINED.

The word "Person" extends and applies to a corporation, firm, association or partnership or body politic as well as to an individual.

(4) ACTS OF AGENTS.

When a provision requires an act to be done which may by law as well be done by agent as by the principal, such requisition shall be construed to include all such acts when done by an authorized agent.

15.03 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 Village 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.

15.04 PENALTY PROVISIONS.

(1) GENERAL PENALTY.

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 subject to a penalty shall, upon conviction thereof, forfeit

**VILLAGE OF BLOOMINGTON
ORDINANCE NO. 2021-04**

AN ORDINANCE TO AMEND CHAPTER 15 ENTITLED "INTERPRETATION AND EFFECT OF ORDINANCES" SECTION 15.04, "PENALTY PROVISIONS" OF THE VILLAGE OF BLOOMINGTON MUNICIPAL CODE.

NOW, THEREFORE, the Bloomington Village Council of the Village of Bloomington, Grant County, Wisconsin, does ordain as follows:

Section I: Chapter 15 entitled "Interpretation and Effect of Ordinances", to amend Section 15.04, "Penalty Provisions" of the Village of Bloomington Municipal Code shall be and hereby is amended as follows:

15.04 PENALTY PROVISIONS.

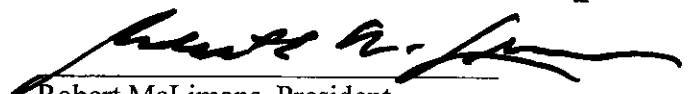
1. General Penalty. Any person who shall violate any of the provisions of this Code shall upon conviction of such violation, be subject to a penalty, which shall be as follows:
 - (a) First Offense – Penalty. Any person who shall violate any provision of this Code subject to a penalty shall, upon conviction thereof, forfeit not less than \$10.00 nor more than \$200.00 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 one day for every \$50 unpaid until said forfeiture and costs are paid in full, but not to exceed 90 days.
 - (b) Second Offense – Penalty. Any person found guilty of violating any ordinance or part of an ordinance of this Code who shall previously have been convicted of a violation of the same ordinance within one year shall, upon conviction thereof, forfeit not less than \$50.00 nor more than \$250.00 for each such offense 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 one day for every \$50 unpaid until said forfeiture and costs are paid in full, but not to exceed 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 Village of Bloomington from maintaining any appropriate action to prevent or remove a violation of any provision of this Code.
3. 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 Bloomington, 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.

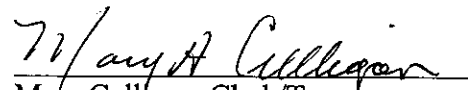
Section II: This Ordinance shall take effect upon its passage and publication or posting as required by law.

Adopted and approved this date of September 7, 2021, by the Village Council of the Village of Bloomington, Grant County, Wisconsin.

VILLAGE OF BLOOMINGTON by:


Robert McLimans, President

ATTEST: I, Mary Culligan, Village Clerk-Treasurer, do hereby certify that the amendment to Chapter 15 entitled "Interpretation and Effect of Ordinances", to amend Section 15.04, "Penalty Provisions" of the Village of Bloomington Municipal Code has been approved by the Village Council of the Village of Bloomington, Grant County, Wisconsin, at a meeting held on September 7, 2021.


Mary Culligan, Clerk/Treasurer

Date Adopted: 9-7-2021

Effective Date: 9-7-2021

not less than \$1.00 nor more than \$200.00 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 90 days.

(b) SECOND OFFENSE - PENALTY.

Any person found guilty of violating any ordinance or part of an ordinance of this Code who shall previously have been convicted of a violation of the same ordinance within one year shall upon conviction thereof, forfeit not less than \$25.00 nor more than \$250.00 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 said forfeiture and costs of prosecution are paid, but not to exceed 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 Village of Bloomington from maintaining any appropriate action to prevent or remove a violation of any provision of this Code.

(3) 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 Bloomington 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.

15.05 REPEAL OF ORDINANCES.

All ordinances and by-laws adopted by the Village Board of the Village of Bloomington, Grant County, Wisconsin, prior to the _____ day of _____, 19____, and inconsistent with any of the provisions of this code are hereby repealed except those ordinances and parts of ordinances mentioned in Section _____ hereof.

15.06 ORDINANCES NOT REPEALED.

All ordinances or parts of ordinances in force relating to the following subjects are not repealed:

(1) Chapter Ordinance Abolishing The Offices of Constable and Marshall and Creating the office of Chief of Police adopted July 2nd, 1956.

- (2) Salaries.
- (3) Rights, licenses or franchises, or the creation of any contract with the Village of Bloomington.
- (4) The grading, opening, extending, altering, discontinuing or vacating of streets or alleys and the establishing of grades thereof, or the naming or changing of the names thereof, or the numbering of blocks, lots or buildings.
- (5) Annexation, and acceptance of maps, plats, lands or other property for public use.
- (6) Tax and special assessments levied.
- (7) Water utility rates.
- (8) Road ordinances that are not inconsistent with this code.
- (9) Street widths.
- (10) Release of persons, firms or corporations from liability.
- (11) The lighting of streets and alleys.
- (12) The naming and changing of names of streets, alleys, public grounds and parks.
- (13) The letting of contracts without bids.
- (14) Budget ordinances, resolutions and actions.

15.07 EFFECT OF REPEALS.

The repeal or amendment of any section or provision of this Code or of any other ordinances or resolutions of the Village 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 obligations or privilege has been reserved by the Village of Bloomington.

(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 of 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.

15.08 OFFENSES COMMITTED PRIOR TO CODE ADOPTION.

No offenses committed and no penalty or forfeiture incurred previous to the time when any provisions of any ordinance shall be repealed shall be affected by such repeal.

15.09 COSTS TO BE INCLUDED IN PENALTY.

Whenever a penalty or forfeiture is recovered for doing any act or neglecting to do any act by virtue of any of the provisions of this code, the judgment shall also include the costs of prosecution. All judgments shall be thus rendered whether or not the provision under which a prosecution or proceeding is had shall specifically so direct.