

PART I ADMINISTRATIVE LEGISLATION

Chapter 1 CODE'S GENERAL PROVISIONS

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Article I Adopt Code

1.01 Adopt code

The village of Lake Delton's ordinances of a general and permanent nature adopted by the village board of the village of Lake Delton and revised, codified and consolidated into chapters and sections, and consisting of Chapters 1 through 335, together with an appendix, are adopted and shall be known as the "Village of Lake Delton Municipal Code," and shall take effect from and after passage and publication as provided in s 66.035, Wis. Stats.

1.02 Code supersedes prior ordinances

The code shall supersede all other general and permanent ordinances enacted prior to enacting it, except such ordinances as are hereinafter expressly saved from repeal or continued in force.

1.03 Continuing existing provisions

This code's provisions, insofar as they are substantively the same as those of the ordinances in force immediately prior to enacting this code, are intended as a continuation of such ordinances and not as new enactments, and the effectiveness of such provisions shall date from the prior ordinances' adoption dates.

1.04 Code does not affect past actions and obligations

Adopting this code does not affect prosecutions for ordinance violations committed, fee or penalty due, the validity of any bond or cash deposit posted, filed or deposited pursuant to the requirements of any ordinance, or any contract or right established or accruing before this code's effective date.

1.05 Effect of repeal or amendment

The repeal or amendment of any section or provision of this code or of any other village board ordinance or resolution shall not:

- A. Repeal the repealing clause of an ordinance or revive any ordinance that has been repealed thereby.
- B. By implication be deemed to revive any ordinance not in force or existing when such repeal or amendment takes effect.
- C. Affect any vested right, privilege, obligation or liability acquired, accrued or incurred under any enactment so repealed or amended, unless the village has reserved the privilege of repealing such obligations or the privilege.
- D. Affect any offense committed or penalty or forfeiture incurred, previous to when any ordinance shall be repealed or amended, except that when any forfeiture or penalty shall have been mitigated by the provisions of any ordinance, such provisions shall apply to and control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.
- E. Affect any prosecution for any offense, or the levy of any penalty or forfeiture pending when any ordinance 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 had not been repealed, except that all such proceedings had, after the time this code shall take effect, shall be conducted according to this code's provisions.

1.06 Repeal

All ordinances or parts of ordinances of a general and permanent nature adopted and in force on the date of the adoption of this ordinance and not contained in the Code are hereby repealed as of the effective date of the Adoption Ordinance No. ~~XX-XX-XXX~~, except as hereinafter provided. |

1.07 Changes to previously adopted ordinances

While preparing to codify existing ordinances as the Village of Lake Delton Municipal Code, the village board did not change the meaning or intent of ordinances, except where indicated by histories or footnotes in the text of the chapters, and as provided for in the items below.

However, the village board made some grammatical changes and other minor non-substantive changes in one or more ordinances.

It is the village board's intent that such changes be adopted as part of the code as if the ordinances had been previously formally amended to read as such. The following changes were made throughout code:

- A. References to specific Wisconsin Statutes chapters and sections were revised to reflect the statutes numbering as this code's publication.
- B. References to the "Department of Health and Social Services" are amended to read "Department of Health and Family Services."

- C. References to the “Department of Industry, Labor and Human Relations” are amended to read “Department of Commerce.”
- D. References to the “Village Clerk” and “Village Clerk-Treasurer” are amended to read “Village Clerk-Treasurer-Coordinator.”
- E. References to the “Zoning Board of Appeals” are amended to read “Board of Appeals.”
- F. References to the “Planning Commission” are amended to read “Plan Commission.”
- G. References to the “License Committee” are amended to read “Finance and Licensing Committee.”
- H. References to the “Department of Public Works Supervisor” and “Superintendent of Public Works” are amended to read “Public Works Director.”

1.08 Conflict and severability

- A. If the provisions of this code’s different chapters 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. If the provisions of different sections of the same chapter conflict with or contravene each other each other, the more specific provision that applies to the events or persons raising the conflict shall prevail over the more general provision.
- B. If any section, subsection, sentence, clause or phrase of this code as now or later amended, or its application to any person or circumstance, is for any reason declared invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this code, which can be given effect without the invalid provision or application, and to this, end this code’s provisions are declared severable.

1.09 Ordinance effective date

All ordinances passed by the village board subsequent to adopting this code and requiring publication shall take effect from and after their publication, unless otherwise expressly provided. Ordinances not requiring publication shall take effect from their passage, unless otherwise expressly provided.

1.10 Definitions

Generally words shall be construed in their common and usual significance unless the contrary is clearly indicated. The following definitions shall be construed as defined in this section unless a specific definition is provided for in the individual chapter or ordinance:

- A. Board or board of trustees. The board of trustees of the village of Lake Delton, Wisconsin. “All its members” or “all trustees” means the total number of trustees members holding office.
- B. Code. Whenever used without further qualification, it shall mean the Village of Lake Delton Municipal Code as designated in section 1.01.
- C. County. The county of Sauk, Wisconsin.
- D. Law. Denotes applicable federal law, the Constitution and statutes of the state of Wisconsin, the ordinances of the village, and when appropriate, any and all rules and regulations that may be promulgated there under.
- E. Village. The village of Lake Delton, Wisconsin, or the area within the territorial limits of the village, and such territory outside the village over which the village has jurisdiction or control by virtue of any constitutional or statutory provision.

F. Village Board. The board of trustees of the village of Lake Delton, Wisconsin. All its members or all trustees each means the total number of trustees members holding office.

G. Wisconsin Administrative Code. The rules of administrative agencies having rulemaking authority in Wisconsin, published in a loose-leaf, continual revision system, as directed by s. 35.93, Wis. Stats., and Wis. Stats. ch. 227, including subsequent amendments to those rules.

H. Wis. Stats., stats. or statute. The abbreviations noted or the word statute shall mean the official Wisconsin Statutes, as amended.

1.11 Acts by agents

When a provision requires an act be done that an authorized agent of that principal may also lawfully perform, construe the requirement to include all such acts performed by such agent.

1.12 Prohibited acts include causing and permitting

Whenever in the village's ordinances 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. Any person who commits such acts may be prosecuted and, upon conviction, is punishable as if he had directly committed such act.

1.13 Computing 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 Saturday, Sunday or a legal holiday, in which case it shall also be excluded. Legal holiday means any statewide legal holiday specified by state law.

Article III Rules of construction

1.14 Code title and references

This code shall be known as the "Village of Lake Delton Municipal Code," hereinafter referred to as "the code," and it shall be sufficient to refer to the code as the "Village of Lake Delton Municipal Code" in any prosecution for the violation of any provision thereof or in any proceeding at law or equity. It shall be sufficient to designate any ordinance adding to, amending, correcting or repealing all or any part or portion thereof as an addition, amendment, correction or repeal of the "Village of Lake Delton Municipal Code."

A. All references shall be cited by section number (example: section 12.08).

B. Reference applies to amendments. References may be made to the chapters, articles, sections or any portion of the "Village of Lake Delton Municipal Code" and they shall apply to all amendments, corrections and additions heretofore, now or hereafter made.

C. Reference to other sections. Whenever a reference is made to this code as the "Village of Lake Delton Municipal Code" or to any portion thereof, or to any village ordinance codified herein, the reference shall apply to all amendments, corrections and additions heretofore, now or hereafter made.

D. Whenever in one section reference is made to another section hereof, such reference shall extend and apply to the section referred to as subsequently amended, revised, re-codified or re-numbered unless the subject matter is changed or materially altered by the amendment or revision.

E. Reference to specific ordinances. This code's provisions shall not affect in any manner matters of record that refer to or are otherwise connected with ordinances that are therein

specifically designated by number or otherwise, and that are included within the code, but such reference shall be construed to apply to the corresponding provisions contained within this code.

1.15 Chapter, article and section headings

Chapter, article and section headings contained herein shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of the provisions of any chapter, article or section hereof. All references to chapters, articles or sections are to those of this code unless otherwise specified.

1.16 References and editor's notes

References and editor's notes following certain sections are inserted to help the reader and are not controlling or meant to have any legal effect.

1.17 History notes

The history notes appearing in parentheses after sections or chapters are intended to indicate the source of the material in that section or chapter and not to have any legal effect.

1.18 Amending, repealing or adding new sections of the code

All ordinances passed subsequent to this code that amend, repeal or in any way affect this code may be numbered according to this code's numbering system and printed for inclusion herein. Subsequent amending ordinances, as numbered and printed, or omitted in the case of repeal, shall be prima facie evidence of such subsequent ordinances.

A. Amendments to any of the provisions of this code may be made by amending such provisions by specific reference to the section number of this code in substantially the following language: "That section _____ of the Village of Lake Delton Municipal Code is hereby amended to read as follows..." The new provisions shall then be set out in full as desired.

B. All chapters, articles, sections or provisions desired for repeal must specifically repeal by section, article or chapter number, as the case may be.

C. If a new section not heretofore existing in the code is to be added, the following language may be used: "That the Village of Lake Delton Municipal Code is hereby amended by creating section(s) _____. The new section may then be set out in full as desired.

1.19 Effect of code amendments

Any additions and amendments to this code, when passed in such form as to indicate the village board's intention to make the addition or amendment a part of this code, shall be deemed to be incorporated in this code so reference to the Village of Lake Delton Municipal Code shall be understood and intended to include such additions and amendments.

1.20 Supplementing the code to keep it current

It shall be the village clerk's duty, to keep current the certified copy of the codebook filed in the clerk's office. All changes in said code and all ordinances adopted subsequent to the code's effective date shall be adopted specifically as part of the code and, when finally adopted, be included therein by reference until such changes or new ordinances are reproduced as supplements to said code book, at which time such supplements shall be inserted therein.