

**VILLAGE OF MELROSE  
GENERAL PROVISIONS – CHAPTER 2**

**2.01 TITLE, EFFECTIVE DATE, CITING OF:**

1. These ordinances shall be known as the Village of Melrose code or Village Code.
2. This code shall take effect upon 60 days after passage and publication as provided by Sec. 66.035 Stats.
3. All references hereto shall be cited by chapter and section number (for example, Section 2.01(3), Village of Melrose Code).

**2.05 RULES OF CONSTRUCTION:** In construction of this Code, the following rules shall be observed unless such construction would be inconsistent with the manifest intent of its provisions:

1. **GENERAL RULE:** All words and phrases shall be construed and understood according to the common and approved usage of the language, but technical words and phrases and such others as may have acquired a particular and appropriate meaning in the law shall be construed and understood according to each particular and appropriate meaning.
2. **ACTS BY AGENTS:** When any provision of this Code requires an act to be done which may be law as well as be done by an agent as by the principal such requisition shall be construed to include all such acts when done by an authorized agent.
3. **BOARD:** The words “Board” or “Village Board” shall be construed to mean the Board of Trustees of the Village of Melrose, Wisconsin.
4. **COUNTY:** The words “the county” or “this county” shall mean Jackson County, Wisconsin.
5. **GENDER:** Any word importing the masculine gender shall extend and be applied to females as well as to males.
6. **INTERPRETATION:** In the interpretation and application of any provision, it shall be held to be the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience, and general welfare. Where any provision imposes greater restrictions upon the subject matter than the general provisions imposed by this Code, the provision imposing the greater restriction or regulation shall be controlling.
7. **JOINT AUTHORITY:** All words purporting to give a joint authority to three or more village officers or other persons shall be construed as giving such authority

to a majority of such officers or other persons unless it shall be otherwise expressly declared in the provisions giving the authority.

8. MAY: "May" is always directory and not mandatory.
9. NUMBER: Every word importing the singular number only shall extend and be applied to several persons or things as well as to one person or thing, and every word importing the plural number only shall extend and be applied to one person or thing as well as to several persons or things.
10. OATH: The word "oath" shall include an affirmation 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."
11. OR, AND: "Or" may be read "and" and "and" may be read "or" if the sense requires it.
12. OTHER VILLAGE OFFICIALS OR OFFICERS: Whenever reference is made to officials, boards, commissions, departments, etc., by title only, they shall be deemed to refer to the officials, boards, commissions, and departments of the Village of Melrose.
13. OWNER: The word "owner" applied to a building or land, shall include any part owner, joint owner, tenant in common, tenant in partnership, joint tenant, or tenant by the entirety, of the whole or of part of such building or land.
14. PERSON: The word "persons" shall extend and be applied to firms, corporations, or voluntary associations, as well as to individuals, unless plainly inapplicable.
15. PERSONAL PROPERTY: Personal property shall extend and be applied to every species of property except real property.
16. REASONABLE TIME: In all cases where any provisions shall require any act to be done in a reasonable time or notice shall be deemed to mean such time only as may be necessary for prompt performance of such duty, or compliance with such notice.
17. SHALL: "Shall" is always mandatory and not directory.
18. SHALL HAVE BEEN: The words "shall have been" include past and future cases.
19. STATE: The words "the state" or "this state" shall mean the State of Wisconsin.

20. **TENSES:** The use of any verb in the present tense shall include the future when applicable.
21. **TIME; HOW COMPUTED:** the time within which any act is to be done, as provided in any provision of this Code or in any order issued pursuant to any provision 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 and such time is expressed in hours the whole of Sunday, from midnight, shall be excluded.
22. **VILLAGE:** The word “village” shall be construed as if the words “of Melrose” followed the word “village,” and shall extend to and include its several officers, agents, and employees.
23. **WEEK:** The word “week” shall be construed to mean seven days, but publication in a newspaper or any notice or other matter indicated to be for a stated number of weeks shall be construed to mean one insertion in each week, unless specifically stated to be for each day of the week or for more than one day in each week.
24. **WISCONSIN STATUTES:** References to the Wisconsin Statutes will be made in the form “Sec. ...., Stats.”

**2.10 REPEAL OF PRIOR ORDINANCES:** All ordinances heretofore adopted by the Village Board of the Village of Melrose 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 Village of Melrose of whatever name or description.
2. The establishment of grades, curb lines, and widths of sidewalks, public streets, 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 Village of Melrose.
5. The lighting of streets and alleys.
6. The naming and changing of names of streets, alleys, public grounds, and parks.
7. The letting of contracts without bids.
8. The establishment of board of trustee districts.

9. Tax and special assessment levies.
10. Releases of persons, firms, or corporations from liability.
11. Construction of public works.
12. Water, sewer, and electric rates, rules and regulations, and sewer and water main construction.
13. Budget ordinances, resolutions, and actions.

**2.11 EFFECT OF REPEALS:** The repeal or amendment of any section or provision of this Code or of any other ordinance or resolution of the Village Board shall not:

1. By implication, be deemed to revive any ordinance not in force or existing at the time 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 Village of Melrose.
3. Affect any offense committed, or penalty or forfeiture incurred, previous to the time when any ordinance is repealed or amended; except when any forfeiture or penalty has been mitigated by the provision 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 is 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 all such proceedings had after the time this Code takes effect, shall be conducted according to the provisions of this Code.

**2.12 CONFLICT; SEPARABILITY:**

1. **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.
2. **SEVERABILITY OF PROVISIONS:** If any section, subsections, sentence, clause, or phrase of this 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 Village Board hereby declares that it would have passed this Code and each section, subsection, sentence, clause, phrase, or portion thereof irrespective of the fact that any one or more section, subsection, sentence, clause, phrase, or portion may be declared invalid or unconstitutional.

**2.20 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 Clerk/Treasurer 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/Treasurer office hours, subject to such orders or regulations which the Clerk/Treasurer may prescribe for their preservation.

**2.30 PENALTY PROVISIONS:**

1. **GENERAL PENALTY:** Except as otherwise provided, 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:** Any person who shall violate any provision of this Code shall, upon conviction thereof, forfeit not more than \$500.00 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 such forfeiture and costs are paid, but not exceeding 30 days.
  - b) **Second Offense:** Any person found guilty of violating any ordinance or part of an ordinance of this Code, who has previously 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 \$500.00 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 such forfeiture and costs are paid, but not exceeding 90 days.
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 from maintaining any appropriate action to prevent or remove a violation of any provision of this Code.

**2.40 CITATION METHOD OF ENFORCEMENT:**

1. ELECTION: Pursuant to Sec. 66.119, Stats., the Village of Melrose hereby elects to use the citation method of enforcement of ordinances other than those for which a statutory counterpart exists.
2. CITATION CONTENT: The citation shall contain the following:
  - a) The name and address of the alleged violator.
  - b) Factual allegations describing the alleged violation.
  - c) The time and place of the offense.
  - d) The section of the ordinance violated.
  - e) A designation of the offense in such manner as can readily be understood by a person making a reasonable effort to do so.
  - f) The time at which the alleged violator may appear in court.
  - g) A statement which in essence informs the alleged violator:
    - 1) That a cash deposit based on the schedule established by the Village Board may be made which shall be delivered or mailed to the Clerk of Court for Jackson County, Wisconsin, prior to the time of the scheduled court appearance.
    - 2) That if a deposit is made, no appearance in court is necessary unless he is subsequently summoned.
    - 3) That if a cash deposit is made and the alleged violator does not appear in court, he will be deemed to have entered a plea of no contest, or, if the court does not accept the plea of no contest, a summons will be issued commanding him to appear in court to answer the complaint.
    - 4) That if no cash deposit is made and the alleged violator does not appear in court at the time specified, an action may be commenced to collect the forfeiture.
  - h) A direction that if the alleged violator elects to make a cash deposit, the statement which accompanies the citation shall be signed to indicate that the statement required under (g) above has been read. Such statement shall be sent or brought with the cash deposit.
  - i) Such other information as the Village deems necessary.

3. DEPOSIT SCHEDULE: The Clerk/Treasurer shall keep on file in his office a cash deposit schedule established by ordinance of the Village Board, and as may be amended, and shall submit the same to the office of the County Clerk, County Clerk of Court, and The Jackson County Sheriff's Department.
4. ISSUANCE OF CITATION:
  - a) Limitation: The authority delegated to a village official or employee to issue citations may be granted or revoked only by ordinance of the Village Board, and the issuance of citations is expressly limited to the following village officials, except where otherwise provided in this Code:
    1. Any law enforcement officer.
    2. The Village Maintenance person.
    3. The Village President.
    4. The Village Clerk.
    5. The Fire Chief.
    6. The Village Marshal.
5. PROCEDURE: Sec. 66.119(3), Stats., relating to violator's options and procedure on default, is hereby adopted and incorporated herein by reference.

**2.50 NONEXCLUSIVITY:**

1. OTHER ORDINANCES: Adoption of this Code does not preclude the Village Board from adopting any other ordinance or providing for the enforcement of any other law or ordinance relating to the same or other matter.
2. OTHER REMEDIES: The issuance of a citation hereunder shall not preclude the Village or any authorized officer from proceeding under any other ordinance or law or by any other enforcement method to enforce any ordinance, regulation, or order.

**2.60 REVISION AND AMENDMENT:**

1. INCORPORATION HEREIN: All ordinances passed subsequent to this Code which amend, repeal, or in any way effect any section or subsection of this Code, shall be numbered consecutively, but shall refer specifically to the section or subsection affected, and printed for inclusion therein. When subsequent ordinances repeal any chapter, section or subsection, or any portion thereof, such repealed portions shall be excluded from said Code by omission from reprinted pages. The subsequent ordinances, as numbered and printed, or omitted in the

case of repeal, shall be prima facie evidence of such subsequent ordinances until such time of incorporation in this Code.

2. **AMENDMENT:** Amendments to any of the provisions of this Code shall be made by amending such provisions by specific reference to the section number of this Code in the following language: “That Section \_\_\_\_\_ of the Village of Melrose Code is hereby amended to read as follows...” The new provisions shall then be set out in full.
3. **CREATION OF NEW SECTION:** In the event a new section not heretofore existing in the Code is to be added, the following language shall be used: “That the Village of Melrose Code is hereby amended by creating a new section to be numbered Section \_\_\_\_\_, which said Section shall read as follows:...” The new section shall then be set out in full.
4. **REPEAL:** All sections, articles, chapters, or provisions desired to be repealed shall be specifically repealed by section, article, or chapter number in the following language: “That Section (Chapter or Article) \_\_\_\_\_ of the Village of Melrose Code is hereby repealed.”