

## CHAPTER 16

### DEFINITIONS, CONSTRUCTION, SEVERABILITY

16.01 Definitions.

16.02 Construction of Ordinances.

16.03 Severability.

16.04 Revision and Maintenance of this Code.

**16.01 Definitions.** In this Code, words shall be defined as follows:

(1) Ordinary terms. Words which are not specifically defined shall be defined as they are ordinarily and commonly used. A dictionary such as the American Heritage Dictionary or Webster's New Collegiate Dictionary, Ninth Edition, may be used as evidence of the meaning of words.

(2) Specific definitions. (a) "Board" means the County Board of Supervisors unless the context indicates otherwise.

(b) "City limits" means the area within an incorporated city of the State of Wisconsin, as evidenced by the ordinances of that City on record in the office of the Register of Deeds of the County in which the city is located.

(c) "County" means Manitowoc County unless specifically indicated otherwise.

(d) "Date" shall mean the date as determined by the modified Gregorian calendar consisting of 365 24-hour days, 12 months, and a leap year with an additional day every year divisible by four except those divisible also by 100 which are not divisible by 400.

(e) "Highway" shall mean a county trunk highway unless the context indicates otherwise.

(f) "Person" means a natural person, corporation, partnership, group, or entity unless the context indicates the term should be limited to natural persons.

(g) "Motor vehicle" has the meaning given in Wis. Stat. § 340.01 (35).

(h) "Time" shall mean the hour, minute, and second of Central Standard Time or, when applicable, Central Daylight Time, as established by

the Congress of the United States.

(i) "Township" means a civil town of Manitowoc County created under Wis. Stat. § 59.07 (22) (1991-1992) and MCC § 1.01.

**16.02 Construction of Ordinances.** All ordinances shall be construed to fulfill their manifest policy and object and to work substantial justice.

(1) An ordinance which repeals an earlier ordinance that contains provisions repealing a third ordinance or ordinances does not revive the ordinances repealed by the repealed ordinance.

(2) All personal pronouns shall not be gender specific. Male shall include female unless a provision is particularly applicable to either gender.

(3) Singular terms shall, where the context so requires, include the plural.

(4) References to a provision of federal or state legislation or administrative regulations shall be deemed to include amendatory acts to the provision referenced.

(5) Tense. The present tense shall include the future, unless the context makes the future tense inapplicable. The future perfect includes both past and future tenses.

**16.03 Severability.** If any portion of this Code is declared illegal, unconstitutional, or otherwise invalid, the remaining portion shall remain in effect. The Court shall construe this Code so as to declare the least possible portion invalid and maintain the validity of the maximum portion possible.

#### **16.04 Revision and Maintenance of this Code.**

(1) All ordinances adopted by the Manitowoc County Board of Supervisors after the effective date of this Code [November 15, 1988] shall be enacted as

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part of the Code unless the Board specifies that the provision shall be non-codified.

(2) Any enactment which the Board intends to be effective for a term extending beyond the life of the County Board session shall be construed to be an ordinance and shall be incorporated into the Code

(3) For the purpose of maintaining the Code, the Corporation Counsel shall be revisor of the Code. As such, the revisor shall be empowered to correct typographical errors in enactments, classify ordinances to the Code and print revised pages of the Code for insertion in the Code binders of Code subscribers. The revisor shall also be empowered to adjust section and subsection numbers in order to maintain the uniform style of the Code prescribed in subsection (5) of this section. The Corporation Counsel is authorized to correct erroneous references to the committees, boards, and commissions of the County Board in the Manitowoc County Code and incorrect section numbers and statutory references where this can be done without changing the substantive effect of said Code and report all such additions, corrections, and deletions to this Board when the same have been completed.

(4) Proof of Code provisions. A copy of the Code shall be prima facie evidence of its substance. The definitive copy of the Code shall be the Master Binder maintained in the office of the County Clerk of Manitowoc County.

(5) Style of code. All amendments to this Code shall be drafted on the following format:

(a) Chapter titles and headings. 1. Each chapter of the Code shall be given a concise, plain title. The chapter number shall be spelled out and typed in capital letters, ending with a period. The chapter title shall be typed all in capital letters followed by a period. The resulting title shall be centered and set off from the body of the chapter by two line spaces.

2. There shall be a table of contents for each chapter following the title. The table shall have a list of the sections of the chapter accompanied by a brief description of each section of the chapter.

(b) Text. The text of each chapter shall be divided into sections. Sections shall be numbered with the chapter number, a period and a section

number. Sections shall be numbered from .01 through .99. If an amendment logically belongs between two existing sections, it may be inserted between them and given a third decimal place number to separate it from the preceding section. e.g., Section 12.125 between 12.12 and 12.13.

(c) Subsections. If a section must be subdivided into subsections, the division shall be as follows:

1. The first subdivision shall be an arabic number, starting in sequence from 1 and placed in parentheses, e.g., (1).

2. The second subdivision shall be a small case letter starting from (a) and going through the English alphabet. If more than 26 subdivisions are required, the 27th subdivision shall be (aa), going through (az), then (ba) and so on. This subdivision letter shall also be enclosed by parentheses.

3. The third subdivision shall be arabic numerals starting with 1. These numerals shall be followed by a period, e.g., 1.

4. The fourth subdivision shall be small case English letters sequenced as stated in subsection 2. of this subsection. These letters shall be followed by a period.

5. The fifth subdivision shall be small case roman numerals followed by a period, e.g., i.; ii.; iii.; iv.

(6) Incorporation of changes in state statutory provisions. (a) Where a provision of this Code has been adopted under a provision of state law, the Code provision shall be repealed if the state law authorizing it is repealed.

(b) If a provision of state law establishes a fee, tax, surcharge, or assessment, the level of the fee, tax, surcharge, or assessment shall be amended by any act of the Legislature which amends the state statute setting the fee, tax, surcharge, or assessment.