

CHAPTER 6

CONSTRUCTION AND EFFECT OF ORDINANCE

6.01 CONFLICT AND SEVERABILITY

- (1) **Conflict of Provisions.** If the provisions of the different Chapters of this Ordinance 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 Ordinance Provisions.** If any Section, Subsection, sentence, clause, or phrase of the Ordinance 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, phrase, or portion thereof irrespective of the fact that any one or more Sections, Subsections, sentences, clauses, phrases, or portions thereof may be declared invalid or unconstitutional.
- (3) The provisions of this Ordinance are not to be construed to violate or conflict with any constitution, statute, law, regulation, rule, or ordinance, or part thereof, of the United States of America, the State of Wisconsin, or Winnebago County.

6.02 REPEAL OF GENERAL ORDINANCE

Except prior ordinances levying special assessments, which remain in full force and effect as adopted, all ordinances and resolutions heretofore adopted by the District Commissioners are hereby repealed.

6.03 EFFECT OF REPEALS

The repeal or amendment of any Section or provision of this Ordinance or of any other ordinance or resolution of the 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(2) Affect any vested right, privilege, obligation, or liability acquired, accrued, or incurred under any enactment so repealed or amended unless the District has reserved the privilege of repealing such obligation or privilege.
- (3) Affect any offense committed or penalty or forfeiture incurred, previous to the time when any ordinance shall be repealed or amended, except that when the provisions of any ordinance shall have mitigated any forfeiture or penalty, such provisions shall apply to and control any judgment to be pronounced after such ordinance takes effect for any offense committed before that time.

SEWER USE ORDINANCE OF THE TOWN OF NEENAH SANITARY DISTRICT NO. 2,
WINNEBAGO COUNTY, WI

Chapter 6

- (4) Affect any prosecution for 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 Ordinance shall take effect, shall be conducted according to the provisions of this Ordinance.

6.04 TITLE: EFFECTIVE DATE: CITATION

This Ordinance shall be known as the "Sewer Use Ordinance of the Town of Neenah Sanitary District No.2" and shall take effect from and after passage and publication as provided in Sec. 66.035, Wis. Stats. All references thereto shall be cited by Section number (example: Section 12.04, Sewer Use Ordinance of the Town of Neenah Sanitary District No. 2).

6.05 PENALTIES

The Penalty for any violation of this Ordinance for which a penalty is not otherwise provided shall be not less than fifty dollars (\$50.00) and not more than \$150.00 per violation, plus court costs and fees, plus any assessments that are imposed by law. Each violation and each day a violation continues or occurs shall constitute a separate violation.

Violations of this Ordinance that are continuous with respect to time are a public nuisance and may be abated by injunction or other equitable relief. The imposition of a penalty does not prevent injunctive relief.

6.06 FEE SCHEDULE

Attached and incorporated by reference herein is the applicable fee schedule as of the effective date of this Ordinance. A resolution duly adopted by the District Commissioners is sufficient to revise the fee schedule.