

CHAPTER 20

GENERAL PROVISIONS

- 20.01 Rules of Construction
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20.01 RULES OF CONSTRUCTION. In the construction of this Code of general ordinances, the following rules shall be observed, unless such construction would be inconsistent with the manifest intent of the ordinances:

(1) **WISCONSIN STATUTES.** The term “Wisconsin Statutes” or “Wis. Stats.,” wherever used in this Code, shall mean the Wisconsin Statutes for the year 1985-86; the term shall include session laws of the 1987-88 Legislature not yet printed in statute form.

(2) **GENDER: SINGULAR AND PLURAL.** Every word in this Code and in any ordinance 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 several persons or things as well as to one person or thing; 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.

(3) **PERSON.** The word “person” extends and applies to natural persons, firms, corporations, associations, partnerships or other bodies politic and all entities of any kind capable of being sued unless plainly inapplicable.

(4) **ACTS BY AGENTS.** When a provision requires an act to be done which may by law as well 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.

20.02 CONFLICT AND SEPARABILITY. (1) **CONFLICT OF CODE 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) **SEPARABILITY OF CODE PROVISIONS.** If any section, subsection, 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 President and the Village Board of the Village of Hazel Green 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, phrases thereof may be declared invalid or unconstitutional.

20.03 CLERK-TREASURER TO FILE DOCUMENTS INCORPORATED BY REFERENCE. Whenever, in this Code, any standard, code, rule, regulation or other written or printed matter, other than the Wisconsin Statutes or other sections of this Code, are adopted by reference, they shall be deemed incorporated in this Code as if fully set forth herein and the Clerk-Treasurer is hereby directed and required to 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's office hours, subject to such orders or regulations which the Clerk-Treasurer may prescribe for their preservation.

20.04 PENALTY PROVISIONS. (1) GENERAL PENALTY (Am. Ord. 1-2011, Am. Ord. 7-2003, Am. Ord. 5-2003, Am. Ord. #14-1993, Am. Ord. 2-1994). Except as provided in sub. (2) below, whenever so provided in this Code, 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 (Am. Ord. #4-90). Any person who shall violate any provision of this Code subject to a penalty shall, upon conviction thereof, forfeit not less than \$5 nor more than \$200, 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 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 shall, upon conviction thereof, forfeit not less than \$10 nor more than \$500 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.

(c) Schedule of Penalties (Cr. Ord. #2-90). To ensure uniformity and equal treatment of all persons who violate any provision of this Code, the forfeitures set forth in the following Schedule of Penalties for Code Violations shall be the penalty imposed unless, in the opinion of the arresting officer or the Village Attorney, unusual circumstances exist which justify a different penalty and unless the matter of a different penalty is first brought before and discussed by the Police Committee.

GENERAL PROVISIONS 12.04 (1)

VILLAGE OF HAZEL GREEN SCHEDULE OF PENALTIES FOR CODE VIOLATIONS

(Add all court costs and surcharges to amounts listed)

<u>SECTION</u>	<u>DESCRIPTION</u>	<u>FIRST OFFENSE</u>	<u>SECOND AND SUBSEQUENT OFFENSE WITHIN 12 MONTHS</u>
<u>CHAPTER 5</u>			
5.02	Police power of Fire Department	\$100.00	\$150.00
5.03	Fire Inspector	100.00	150.00
<u>CHAPTER 7</u>			
7.01	State traffic law adopted	Follow Revised Uniform State Traffic Deposit Schedule	
7.02(2)(d)	Violation of Traffic	Follow Revised Uniform State Traffic Deposit Schedule	
7.02(3)	Prohibited Signs and Markers on Highways	50.00	80.00
7.03	Speed limits	Follow Revised Uniform State Traffic Deposit Schedule	
7.04	Stop and yield signs	Follow Revised Uniform State Traffic Deposit Schedule	
7.05(1), (2), (3), (3a)	Parking regulations	20.00 if paid within 10 days; 35.00 if paid after 10 days of receipt of written notice of non-payment; \$50.00 (\$45.00 for citation + \$5.00 for administrative suspension fee) and suspension of vehicle registration	
7.05(6)	Unlawful Removal of Parking Citations	25.00	25.00

7.06(1)(a)	Special weight limitations	50.00	100.00
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GENERAL PROVISIONS 20.04 (1)

<u>SECTION</u>	<u>DESCRIPTION</u>	<u>FIRST OFFENSE</u>	<u>SECOND AND SUBSEQUENT OFFENSE WITHIN 12 MONTHS</u>
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7.06(1)(c)	Parking heavy vehicles in residential districts		10.00 if paid within 30 days; 25.00 after 30 days
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7.07	Abandoned vehicles	50.00	100.00
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7.08	Display of power or speed prohibited	30.00	50.00
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7.09	Snowmobiles		Follow Revised Uniform State Traffic Deposit Schedule
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7.11(4)	Forfeitures for Village parking violations		5.00 if paid within 5 days; 10.00 if paid after 5 days; but less than 15 days; after 15 days a citation will be issued
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7.11(5)	Forfeitures for other violations of this chapter	100.00	200.00
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CHAPTER 8

8.02	Street grades	50.00	100.00
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8.03	Street and sidewalk excavations and openings	50.00	100.00
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8.04	Obstruction and encroachments	50.00	100.00
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8.05	Sale or display of merchandise	25.00	50.00
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GENERAL PROVISIONS 20.04(1)

<u>SECTION</u>	<u>DESCRIPTION</u>	<u>FIRST OFFENSE</u>	<u>SECOND AND SUBSEQUENT OFFENSE WITHIN 12 MONTHS</u>
8.06	Snow and ice removal	25.00	35.00
8.10	Driveways	50.00	100.00
8.11	Moving buildings	100.00	200.00
8.12(2)	Building numbering required	25.00	50.00
<u>CHAPTER 9</u>			
9.01	Offenses against State laws subject to forfeiture	100.00	200.00
9.02	Possession and use of firearms and other dangerous weapons	100.00	200.00
9.03	Throwing or shooting of arrows, stones or other missiles	25.00	100.00
9.04	Marijuana, possession and use	150.00	250.00
9.05	Sale and use of fireworks	50.00	100.00
9.06	Loud and unnecessary noise	50.00	100.00
9.07	Loitering	25.00	50.00
9.075	Sex Offender Residency or Presence in Child Safety Zones	100.00	300.00
9.08	Consumption of fermented malt beverages and intoxicating liquor on	30.00	50.00

	public property and parking lots		
9.09	Park closing hours	25.00	50.00
9.095	Pets in Parks and Cemeteries	25.00	50.00
9.10	Animals and poultry not to run at large	20.00	30.00
9.11	Keeping of livestock and poultry prohibited	25.00	50.00

GENERAL PROVISIONS 20.04 (1)

<u>SECTION</u>	<u>DESCRIPTION</u>	<u>FIRST OFFENSE</u>	<u>SECOND AND SUBSEQUENT OFFENSE WITHIN 12 MONTHS</u>
CHAPTER 9			
9.12	Littering	35.00	75.00
9.13	Burning of grass and trash	25.00	50.00
9.135	Campfires	25.00	50.00
9.14	Open cisterns, wells, basements or other dangerous excavations	50.00	100.00
9.15	Abandoned or unattended iceboxes, etc.	100.00	200.00
9.16	Curfew	25.00	50.00
9.17	Destruction of property	50.00	100.00
9.18	Unlawful removal of property	100.00	200.00
9.19	Accidental spills of hazardous or detrimental substances	100.00	200.00
<u>CHAPTER 10</u>			
10.01	Public nuisances prohibited	30.00	50.00
10.04	Public nuisances offending morals	100.00	200.00

	and decency		
10.05	Public nuisances affecting peace and safety	50.00	100.00
10.06	Junk, certain vehicles, recreational equipment and firewood	30.00	50.00
10.08(2)	Diseased and infected tree control; nuisances	25.00	50.00
10.09	Weed control	25.00	50.00
		GENERAL PROVISIONS 20.04(1)	
10.11	Chronic Nuisances	250.00	500.00

			SECOND AND SUBSEQUENT OFFENSE WITHIN 12 MONTHS
<u>SECTION</u>	<u>DESCRIPTION</u>	<u>FIRST OFFENSE</u>	<u>12 MONTHS</u>

CHAPTER 11

11.05	Garbage and refuse disposal	50.00	100.00
11.06	Illegal dumping	50.00	100.00
		<u>FIRST OFFENSE</u>	<u>SECOND AND SUBSEQUENT OFFENSE WITHIN 12 MONTHS</u>
11.07	Mandatory recycling	50.00	200.00
			2,000.00

			SECOND AND SUBSEQUENT OFFENSE WITHIN 12 MONTHS
		<u>FIRST OFFENSE</u>	<u>12 MONTHS</u>

CHAPTER 12

12.01	General provisions	30.00	50.00
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12.02	Intoxicating liquor and fermented malt beverages	Follow State and Alcohol Beverages, Harassment and Safety Violations Deposit Schedule; if no penalty is Provided,	100.00	200.00
12.03	Cigarette retailer license		30.00	50.00
12.04	Entertainment license		30.00	50.00
12.042	Prohibition of live, nude, non-obscene erotic dancing		200.00	500.00
		GENERAL PROVISIONS 20.04(1)		

<u>SECTION</u>	<u>DESCRIPTION</u>	<u>FIRST OFFENSE</u>	<u>SECOND AND SUBSEQUENT OFFENSE WITHIN 12 MONTHS</u>
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CHAPTER 12

12.05	Junk dealers	30.00	50.00
12.06	Mobile homes and mobile home parks	50.00	100.00
12.041	Street and Yard Dances	200.00	750.00
12.042	Prohibition of Live, Nude, Non-obscene Erotic Dancing	200.00	500.00
12.07	Regulation and licensing of dogs	30.00	50.00
12.07(8)(d)	Dogs running at large and untagged dogs	30.00	50.00
12.07(13)(a)	Failure to obtain rabies vaccination	50.00	100.00
12.07(13)(b)	Refusal to comply with quarantine order	100.00	500.00
12.08	Transient merchants	30.00	50.00

CHAPTER 13

13.04	User rules and regulations	100.00	200.00
13.05	Use of the public sewerage system	100.00	200.00
13.16	Rules and regulations	100.00	200.00
13.17	Cross-connection control	100.00	200.00
13.18	Private well abandonment	50.00	100.00

GENERAL PROVISIONS 20.04(1)

<u>SECTION</u>	<u>DESCRIPTION</u>	<u>FIRST OFFENSE</u>	<u>SECOND AND SUBSEQUENT OFFENSE WITHIN 12 MONTHS</u>
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CHAPTER 14

14.09	General provisions	50.00	100.00
14.185	Private swimming pool regulations	50.00	100.00
14.20	Signs	30.00	50.00
14.30	Penalty	50.00	100.00

CHAPTER 15

15.02	Construction and remodeling	50.00	150.00
15.03	Occupancy permit	50.00	100.00

CHAPTER 16

16.02	General	50.00	100.00
16.04	Procedures	50.00	100.00
16.06	Required improvements	100.00	200.00

16.07	Construction	200.00	200.00
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CHAPTER 17

17.13	Installation and location	100.00	200.00
17.15	Service standards	100.00	200.00
17.16	Subscriber privacy maintained	100.00	200.00
17.19	Preferential or discriminatory practice	100.00	200.00

GENERAL PROVISIONS 20.04(1)

<u>SECTION</u>	<u>DESCRIPTION</u>	<u>FIRST OFFENSE</u>	<u>SECOND AND SUBSEQUENT OFFENSE WITHIN 12 MONTHS</u>
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CHAPTER 18

18.03	Discrimination prohibited	100.00	200.00
18.05	Representations designed to induce panic sales	100.00	200.00

(2) PENALTY FOR MINORS. In the event proceedings are commenced against children aged 16 or older for violations of ch. 7 of this code, or children 14 years of age or older for other violations of this code, except ch. 7, the provisions of ss. 48.17(2), 48.237, 48.37, 48.343 and 48.344, Wis. Stats., shall be applicable.

(3) 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.

(4) 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, 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.

20.05 REPEAL OF GENERAL ORDINANCES. All ordinances heretofore adopted by the Village Board of the Village of Hazel Green 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 whatever name or description.
- (2) The establishment of grades, curb lines and widths of sidewalks in the public streets and alleys.
- (3) The fixing of salaries of public officials and employees.

GENERAL PROVISIONS 20.05 (4)

- (4) Rights, licenses or franchises or the creation of any contract with the Village.
- (5) The lighting of streets and alleys.
- (6) The annexation of territory to the Village.
- (7) The naming and changing of names of streets, alleys, public grounds and parks.
- (8) The letting of contracts without bids.
- (9) Tax and special assessment levies.
- (10) Release of persons from liability.
- (11) Construction of any public works.
- (12) Sewer and water rules and regulations, and sewer and water main construction.
- (13) Budget ordinances, resolutions and actions.

20.06 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 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 obligation or privilege has been reserved by the Village.

(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 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 Code shall take effect shall be conducted according to the provisions of this Code and shall be, in all respects, subject to the provisions of this code.

GENERAL PROVISIONS 20.07

20.07 TITLE: EFFECTIVE DATE: CITATION. These ordinances shall be known as the “Municipal Code of Hazel Green, Wisconsin” and shall take effect from and after passage and publication as provided in s. 66.035, Wis. Stats. All references thereto shall be cited by section number (example: sec. 8.04(1), Municipal Code of Hazel Green, Wisconsin).

20.08 KEEPING CODE CURRENT; REVISOR’S AMENDMENTS. As each ordinance or resolution affecting this Code becomes effective, the Clerk-Treasurer shall forward such ordinance or resolution to the Revisor, who shall incorporate the same into the Code. The Revisor shall make no substantive changes to such ordinances and resolution, but may renumber, rearrange and edit them without first submitting them to the Village Board; and such rearranging, renumbering and editing shall not affect the validity of such ordinances and resolution or the provisions of this Code affected thereby.