

Title 1 General Provisions

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Chapter 1 Use and Construction

Municipality Code: 59-101

#2006-01

VILLAGE OF ADELL

AN ORDINANCE TO ENACT CODE OF ORDINANCES

STATE OF WISCONSIN
Village of Adell
Sheboygan County

SECTION I – PURPOSE

The purpose of this ordinance is to enact the Village of Adell Code of Ordinances that has been prepared and authorized by the village board.

SECTION II – AUTHORITY

The village board of the Village of Adell, Sheboygan County, Wisconsin, has the specific authority under s. 66.0103, Wis. Stats., to prepare and enact a code of all of its general ordinances by enacting an ordinance that incorporates the code by reference.

SECTION III – ADOPTION OF ORDINANCE

The village board, by this ordinance, adopted on proper notice, with a quorum and roll call vote of the village board present and voting, provides the authority for the Village of Adell to prepare and enact a zoning code of part of its general ordinances by enacting an ordinance that incorporates the code by reference.

SECTION IV – ENACTMENT AND INCORPORATION OF CODE OF ORDINANCES

The code of ordinances in book form entitled, "Village of Adell Code of Ordinances", having been placed on file and open to public inspection in the office of the village clerk for a period of three weeks commencing, March 20, 2006, pursuant to s. 66.0103, Wis. Stats., is hereby adopted as the general code of ordinances in and for the Village of Adell, Sheboygan County, Wisconsin. The code is incorporated in this ordinance by reference.

SECTION V – EFFECTIVE DATE

This Ordinance is effective on publication.

The Village Clerk shall properly post or publish this ordinance as required under s. 60.80, Wis. Stats.

Adopted this 12 day of April 2006.

Andy Schmitt, Village President

Village Trustee

Village Trustee

Village Trustee

Attest: _____
Rhonda Klatt, Village Clerk/Treasurer

Section 1-1-1 Title of Code; Citation

These collected Ordinances shall be known and referred to as the "Code of Ordinances, Village of Adell, Wisconsin." References to the Code of Ordinances, Village of Adell, Wisconsin, shall be cited as follows (sample): "Section 2-1-1, Code of Ordinances, Village of Adell, Wisconsin."

Section 1-1-2 Principles of Construction

The following rules or meanings shall be applied in the construction and interpretation of ordinances codified in this Code of Ordinances unless such application would be clearly inconsistent with the plain meaning or intent of the ordinances:

- a) **Acts by Agents.** When an ordinance requires an act be done by a person who may be legally performed by an authorized agent of that principal person, the requirement shall be construed to include all acts performed by such agents.
- b) **Code and Code of Ordinances.** The words, "Codes," "Code of Ordinances" and "Municipal Code" when used in any section of this Code shall refer to this Code of Ordinances of the Village of Adell unless the context of the section clearly indicates otherwise.
- c) **Computation of Time.** In computing any period of time prescribed or allowed by these Ordinances, the day of the act or event from which the period of time begins to run shall not be included, but the last day of the period shall be included, unless it is a Saturday, a Sunday or a legal holiday. If the period of time prescribed or allowed is less than seven (7) days, Saturdays, Sundays and legal holidays shall be excluded in the computation. As used in this Section, "legal holiday" means any statewide legal holiday specified by state law.

- d) **Fine.** The term "fine" shall be the equivalent of the word "forfeiture," and vice versa.
- e) **Gender.** Use has been made of masculine pronouns in these Ordinances solely for the sake of brevity. Unless specifically stated to the contrary, this Code of Ordinances is gender neutral and words in these Ordinances referring to the masculine gender shall also be construed to apply to females, and vice versa.
- f) **General Rule.** All words and phrases shall be construed according to their plain meaning in common usage. However, words or phrases with a technical or special meaning shall be understood and construed according to that technical or special meaning if such is the intent of the Ordinances.
- g) **Joint Authority.** All words purporting to give a joint authority to three (3) or more Village officers or employees shall be construed as giving such authority to a majority of such officers or other persons.
- h) **Officers.** The term "officers" shall refer solely to local offices created by state statute,
- i) **Officials.** The term "officials" shall mean all Village officers and employees.
- j) **Person.** The word "person" shall mean any of the following entities: natural persons, corporations, partnerships, associations, bodies politic or any other entity of any kind which is capable of being sued.
- k) **Repeal.** When any ordinance having the effect of repealing a prior ordinance is itself repealed, such repeal shall not be construed to revive the prior ordinance or any part thereof, unless expressly so provided.
- l) **Singular and Plural.** Every word in these Ordinances referring to the singular number only shall also be construed to apply to several persons or things, and every word in these Ordinances referring to a plural number shall also be construed to apply to one (1) person or thing.
- m) **Tense.** The use of any verb in the present tense shall not preclude the interpretation of the verb in the future tense where appropriate,
- n) **Wisconsin Statutes.** The term "Wisconsin Statutes" and its abbreviation as "Wis. Stats." shall mean, in these Ordinances, the Wisconsin Statutes for the year 1999-2000, as amended from time to time.
- o) **Wisconsin Administrative Code.** The term "Wisconsin Administrative Code" and its abbreviation as "Wis. Adm. Code" shall mean the Wisconsin Administrative Code as of the adoption of this Code, as amended or renumbered from time to time,
- p) **Village.** The term "Village" shall mean the Village of Adell, Sheboygan County, Wisconsin.

Section 1-1-3 Conflict of Provisions

- a) If the provisions of different chapters conflict with each other, the provisions of each individual chapter shall control all issues arising out of the events and persons intended to be governed by that chapter.
- b) If the provisions of different sections of the same chapter conflict with each other, the provision which is more specific in its application to the events or persons raising the conflict shall control over the more general provision.

Section 1-1-4 Separability of Provisions

If any provision of this Code of Ordinances 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 provisions of these Ordinances.

Section 1-1-5 Effective Date of Ordinances

- a) **Code.** The Code of Ordinances, Village of Adell, Wisconsin shall take effect as provided by state law.
- b) **Subsequent Ordinances.** All Ordinances passed by the Village Board subsequent to the adoption of the Code of Ordinances, except when otherwise specifically provided, shall take effect from and after their publication.

Section 1-1-6 General Penalty

- a) **General Penalty.** Except where a penalty is provided elsewhere 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:
 - 1) **First Offense — Penalty.** Any person who shall violate any provision of this Code shall, upon conviction thereof, forfeit not less than Twenty-five Dollars (\$25.00) nor more than Five Hundred Dollars (\$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 ninety (90) days.

- 2) **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 within one year shall upon conviction thereof, forfeit not less than Fifty Dollars (\$50.00) nor more than One Thousand Dollars (\$1,000.00) for each such offense, together with 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 of prosecution are paid, but not exceeding six (6) months.
- b) **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.
- c) **Other Remedies.** The Village shall have any and all other remedies afforded by the Wisconsin Statutes in addition to the forfeitures and costs of prosecution above.
- d) **Court Authority to Impose Alternative Juvenile Dispositions and Sanctions.**
 - 1) For a juvenile adjudged to have violated an ordinance, a court is authorized to impose any of the dispositions listed in Sec. 938.343 and 938.344, Wis. Stats., in accordance with the provisions of those statutes and this Section.
 - 2) For a juvenile adjudged to have violated an ordinance who violates a condition of a dispositional order of the court under Sections 938.343 or 938.344, Wis. Stats., the municipal court is authorized to impose any of the sanctions listed in Sec. 938.355(6) (d), Wis. Stats., in accordance with the provisions of those statutes.
 - 3) This Section is enacted under the authority of Sec. 938.17(2) (cm), Wis. Stats.
- e) **Juvenile Disposition Alternatives for Alcohol/Drug Offenses.**
 - 1) If a juvenile is found to have engaged in underage drinking of alcohol, drinking of alcohol on school premises or at a school sponsored activity, falsifying proof of age, possessing drug paraphernalia, delivery of drug paraphernalia to a minor in violation of Village ordinances, the Court may order any of the following:
 - a) The following:
 - (1) A forfeiture;
 - (2) Suspension or revocation of the juvenile's driver's license;
 - (3) Participation in a supervised work program
 - b) After ordering any of the above penalties, the Court may, with the juvenile's agreement, enter an additional order staying the execution of the penalty order and suspending or modifying the penalty imposed and may require the juvenile to do any of the following:
 - (1) Submit to an Alcohol or Other Drug Abuse (AODA) assessment;
 - (2) Participate in an outpatient AODA treatment program if an AODA assessment recommends treatment;
 - (3) Participate in an AODA education program
 - 2) In addition to the dispositions listed above, the Court may order a juvenile to participate in a teen court program if the following conditions are satisfied:
 - a) The chief judge of the judicial administrative district has approved a teen court program established in juvenile's county of residence and the judge determines that participation in the court program will likely benefit the juvenile and the community;
 - b) The juvenile admits or pleads no contest to the allegations that the juvenile was truant in open court with the juvenile's parent, guardian or legal custodian present;
 - c) The juvenile has not successfully completed participation in a teen court program during the two (2) years before the date of the alleged violation
 - 3) If the Court finds that a juvenile's parent or guardian is unable to provide or refuses to provide a court-ordered AODA services for juvenile through his or her health insurance or other third (3rd) party payments, the Court may order the parent or health insurer to pay.
 - 4) If payment is not attainable as described in Subsection (e)(3) above, the Court may order the municipality to pay for any AODA services so ordered
- f) **Dispositional Alternatives for Other Ordinance Violations.** The Court may impose one (1) or more of the following dispositional alternatives against a juvenile found to have violated a municipal ordinance, for which no penalty is otherwise provided, as follows:
 - 1) Counseling for the juvenile and/or the parent or guardian;

- 2) Forfeiture not to exceed the maximum forfeiture that may be imposed on an adult for committing the same violation.
- 3) If the forfeiture is for a violation that is only applicable to a juvenile, the maximum forfeiture amount is Fifty Dollars (\$50.00) plus costs;
- 4) Suspend a fishing, hunting or driving license from ninety (90) to five (5) years for failure to pay the forfeiture;
- 5) Order the juvenile to participate in a supervised work program or other community service work;
- 6) Order participation in an AODA assessment, an outpatient AODA treatment or an AODA education program;
- 7) Order participation in a pupil assistance program provided by the juvenile's school provided the juvenile's school agrees;
- 8) In addition to the dispositions listed above, the Court may order a juvenile to participate in a teen court program if the following conditions are satisfied:
 - a) The chief judge of the judicial administrative district has approved a teen court program established in juvenile's county of residence and the judge determines that participation in the court program will likely benefit the juvenile and the community;
 - b) The juvenile admits or pleads no contest to the allegations that the juvenile was truant in open court with the juvenile's parent, guardian or legal custodian present;
 - c) The juvenile has not successfully completed participation in a teen court program during the two (2) years before the date of the alleged violation
- g) **Violation of Juvenile Dispositional Orders.** The Court may impose the following sanctions on a juvenile who has violated a Village ordinance and who has violated a condition of his or her dispositional order:
 - 1) Suspend the juvenile's operating privilege for a period not more than ninety (90) days;
 - 2) Detain the juvenile in his or her home or current residence for not more than thirty (30) days without electronic monitoring;
 - 3) Order not more than twenty-five (25) hours of community service work in a supervised work program.

Section 1-1-7 Village Clerk-Treasurer to Maintain Copies of Documents Incorporated by Reference

Whenever any standard code, rule, regulation, statute 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 Village Clerk-Treasurer shall maintain in his/her office a copy of any such material as adopted and as amended from time to time. Materials on file at the Village Clerk-Treasurer's office shall be considered public records open to reasonable examination by any person during the office hours of the Village Clerk-Treasurer subject to such restrictions on examination as the Clerk-Treasurer imposes for the preservation of the material.

Chapter 2 Use of Citation

Section 1-2-1 Authorization for Use of Citation

The Village of Adell hereby elects to use the citation method of enforcement of ordinances. All Village officers and other Village personnel charged with responsibility of enforcing the provisions of this Code of Ordinances are hereby authorized pursuant to Sec. 66.0113, Wis. Stats., to issue citations for violations of this Code of Ordinances, including ordinances for which a statutory counterpart exists.

Section 1-2-2 Officials Authorized to Issue Citation

Citations authorized in Section 1-2-1 above may be issued by:

- a) Law enforcement officers.
- b) Building Inspector.
- c) Zoning Administrator.
- d) Director of Public Works.
- e) Members of the Village Board annually designated by the Village Board.

Section 1-2-3 Form of Citation

The form of the citation to be issued by Village police officers or other designated Village officials is incorporated herein by reference and shall provide for the following information:

- a) The name, address, date of birth and physical description of the alleged violator;
- b) The factual allegations describing the alleged violation;
- c) The date and place of the offense;
- d) The Section of the Ordinance violated;
- e) A designation of the offense in such manner as can be readily 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 the alleged violator may make a cash deposit of a specified amount to be mailed to a specified official within a specified time;
 - 2) That if the alleged violator makes such a deposit; he/she need not appear in court unless subsequently summoned;
 - 3) That if the alleged violator makes a cash deposit and does not appear in court, he/she will be deemed to have tendered a plea of no contest and submitted to a forfeiture and a penalty assessment imposed by Sec. 165.87, Wis. Stats., and court costs as imposed by Sec. 800.10, Wis. Stats., not to exceed the amount of the deposit, or will be summoned into court to answer the complaint if the court does not accept the plea of no contest;
 - 4) That if the alleged violator does not make a cash deposit and does not appear in court at the time specified, an action may be commenced against the alleged violator to collect the forfeiture and the penalty assessment imposed by Sec. 165.87, Wis. Stats.;
- h) A direction that if the alleged violator elects to make a cash deposit, the alleged violator shall sign an appropriate statement which accompanies the citation to indicate that he/she read the statement required under Subsection (g) and shall send the signed statement with the cash deposit;
- i) Such other information as may be deemed necessary.

Section 1-2-4 Schedule of Cash Deposits

The schedule of cash deposits for the various ordinances for which a citation may be issued are as established on the deposit schedule adopted by the Village Board, a copy of which is on file with the Village Clerk-Treasurer. In addition to the deposit amount listed, the deposit must include a penalty assessment imposed by Sec. 165.87, Wis. Stats., and court costs as imposed by Sec. 800.10, Wis. Stats. The Chief of Police shall be provided a copy of all bond schedules and amendments thereto.

Section 1-2-5 Receipt of Cash Deposits

Deposits shall be made in cash, money order, personal checks or certified check to the Clerk of Court or Village office. Receipts shall be given for all deposits received.

Section 1-2-6 Procedure

Sec. 66.0113, Wis. Stats., relating to violator's options and procedure on default, is hereby adopted and incorporated herein by reference.

Section 1-2-7 No exclusivity of Chapter

- a) Adoption of this Chapter does not preclude the Village Board from adopting any other ordinance providing for the enforcement of any other law or ordinance relating to the same or other matters.
- b) 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.

Chapter 3 Schedule of Fees

Section 1-3-1 Fee Schedule

Village of Adell's Schedule of Fees			
<u>Section</u>	<u>License/Fee Type</u>	<u>Fee Amount</u>	<u>Amend Date</u>
2-4-3(i)	Special Plan Commission Meetings (per meeting)	\$ 250	
2-2-10(b)	Special Board Meetings (no less than 30 minutes)	\$ 450	
2-2-10(b)	Special Board Meetings (no more than 30 minutes)	\$ 250	
3-1-11	State of Real Property Status	\$ 20	
	State of Real Property Status RUSH	\$50	9/23/2010
	Faxing Service – Transmission (per page)	\$1.00	9/23/2010
	Faxing Service – Receipt (per page)	\$1.00	9/23/2010
3-1-17	Insufficient Funds Check (per check)	\$ 25	
3-3-4(f)	Public Records, per page	\$0.25	
6-2-2(d)(11)	Sidewalk Materials Variance (per application)	\$ 25	
6-2-3(a)(2)	Street Opening Permit (valid for 60 days)	\$ 50	
6-2-3(a)(3)	Emergency Street Opening Permit	\$ 50	
6-2-3(e)	Street Opening Permit Renewal	\$50	
6-2-6(c)	Street Privilege Permit (per application)	\$ 20	
6-2-7(b)	Village Snow Removal (minimum charge)	\$ 75	9/23/2010
6-3-1(c)	Driveway Permit (per application)	\$ 25	
6-3-2(f)(2)	Culvert Permit (per application)	\$ 20	
7-3-1	Cigarette License (annually)	\$ 50	9/23/2010
7-4-4(c)	Transient Merchant Registration (weekly, plus CIB fee)	\$ 20	
7-4-9(a)	Special Event Vending (per event)	\$ 10	
7-5-1(o)	Large Assemblies (500-2,500 people)	\$ 50	
	(over 2,500 people)	\$ 250	
7-1-3(a)	Spayed or Neutered Dogs (annually)	\$ 6	
7-1-3(a)	Unspayed or Unneutered Dogs (annually)	\$ 13	
7-1-3(b)	Multiple Dog (Kennel) License	\$30	
	Additional for each dog over amount of 12	\$ 4	
7-1-10	Wolf/Dog Hybrid Registration (annually)	\$ 10	
7-1-4	Late Fee for Failure to Obtain License Between Jan. 1 and March 31	\$10	
7-1-23	Vietnamese Potbellied Pigs (annually)	\$ 10	
7-2-5	Retail "Class A" Intoxicating Liquor (annually)	\$ 250	9/23/2010
7-2-5	Retail "Class B" Intoxicating Liquor (annually)	\$ 275	9/23/2010
7-2-5	Reserve Retail "Class B" Intoxicating Liquor (initial	\$ 10,000	
	Thereafter.....	\$ 500	
7-2-5	Class "A" Fermented Malt Beverage (annually)	\$100	
7-2-5	Class "B" Fermented Malt Beverage (annually)	\$100	
7-2-5	Temporary Class "B" Fermented Malt Beverage (Picnic)	\$10	
7-2-5	Temporary "Class B" Wine (per event)	\$ 10	
7-2-5	Wholesaler's License (annually)	\$ 25	
7-2-5	"Class C" Wine License	\$ 100	
7-2-22(a)	Operator's License (annually)	\$ 25	9/23/2010
	Operator's License (biennial – 2 years)	\$40	9/23/2010
7-2-22(b)	Provisional Operator's License (per 60 days)	\$15	9/23/2010
8-1-5(c)	Natural Lawn Application	\$ 20	
8-1-6(f)	Weed/Grass Cutting Hearing Deposit	\$ 75	9/23/2010
9-1-49	Private Well Operation Permits (per 5 years)	\$ 50	
10-2005-03	Parking without Permit on Village Property	\$ 40	
10-2005-03	Parking Permits Issued to Residents at 518 & 520 Wisconsin St	\$ 40 initial, \$25 renewal	
13-1-63	Conditional Use Permit Application	\$ 250	
13-1-102	Sign Permits	\$50	9/23/2010
13-1-130	Signal Receiving Antennas	n/a	
13-1-134(b)	Wireless Telecommunication Structure Location Permit Application	n/a	
13-1-134(b)(3)	Wireless Telecommunication Annual Structure Permit	n/a	
13-1-142	Fence Permit	\$ 20	
13-1-143	Swimming Pool Permit	\$ 20	

13-1-171	Zoning Permit	\$ 50	
13-1-172	Site Plan Approval	\$ 50	
13-1-181	Re-Zoning Requests	\$ 250	
Article N	Appeal to Board of Appeals	\$ 250	
Article N	Variance Requests	\$ 250	
14-1-81(e)	Land Division Parkland (per residential unit)	\$ 300	
14-1-56	Sewer Connection Fee	\$ 2,000	
14-1-57	Water Impact Fee	\$ 500	
14-1-90(e)(1)	Preliminary Plat (per lot)	\$ 100	
14-1-90(e)(2)	Preliminary Plat Reapplication (per lot)	\$ 10	
14-1-90(f)(1)	Final Plat	\$ 50	
14-1-90(f)(2)	Final Plat Reapplication	\$ 50	
14-1-90(g)(1)	Certified Survey Map	\$ 25	
14-1-90(g)(2)	Certified Survey Map Reapplication	\$ 50	
15-1-17	Building Code Permits	Various	
15-2-40	Erosion Control	(See Section 15-2-40)	