

TITLE 1 General Provisions for Use of Code of Ordinances -- Village of Gays Mills

TITLE 1

General Provisions for Use of Code of Ordinances

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CHAPTER 1

Use and Construction of Code of Ordinances

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SEC. 1-1-1 TITLE OF CODE; CITATION.

These collected Ordinances shall be known and referred to as the “Code of Ordinances, Village of Gays Mills, Wisconsin.” References to the Code of Ordinances, Village of Gays Mills, Wisconsin, may be cited, for example, as: “Section _____, Code of Ordinances, Village of Gays Mills, Wisconsin.”

SEC. 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 which 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 Gays Mills 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

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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, 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 unless the context clearly indicates otherwise.
- (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 1998-99, 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 Gays Mills, Crawford County, Wisconsin.

SEC. 1-1-3 CONFLICT OF PROVISIONS.

- (a) **Different Chapters.** 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.

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- (b) **Different Sections.** 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.

SEC. 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.

SEC. 1-1-5 EFFECTIVE DATE OF ORDINANCES.

- (a) **Code.** The Code of Ordinances, Village of Gays Mills, 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.

State Law Reference: Code of Ordinances, Sec. 66.035, *Wis. Stats.*

SEC. 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 One Thousand Dollars (\$1,000.00), together with the costs of prosecution and any and all applicable assessments, surcharges, and other costs, 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 (1) 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 any and all applicable assessments, surcharges, and other costs, 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

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Statutes in addition to the forfeitures and costs of prosecution, assessments, surcharges, and other costs specified 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 court is authorized to impose any of the sanctions listed in Sec. 938.355, *Wis. Stats.*, in accordance with the provisions of those statutes.
- (e) **Juvenile Disposition Alternatives for Alcohol/Drug Offenses.**
- (1) a. 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, or delivery of drug paraphernalia to a minor in violation of Village ordinances, the Court may order any of the following:
 1. A forfeiture in accordance with Sec. 938.344, *Wis. Stats.*;
 2. Suspension or revocation of the juvenile's driver's license in accordance with Sec. 938.344, *Wis. Stats.*; and/or
 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; and/or
 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 the 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 committed the violation in open court with the juvenile's parent, guardian or legal custodian present; and
 - 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 or refuse to provide court-ordered AODA services for the juvenile through his or her health insurance or other third (3rd) party payments, the Court may order the parent or health insurer to pay.
- 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

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municipal ordinance, for which no penalty is otherwise provided, as follows:

- (1) Counseling for the juvenile and/or the parent or guardian;
 - (2) A 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, unless the forfeiture was imposed for violating an ordinance unrelated to the juvenile's operation of a motor vehicle, driving license not less than thirty (30) days and not more than 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; and
 - (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 the 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 committed the violation in open court with the juvenile's parent, guardian or legal custodian present; and
 - 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) **Violations 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 three (3) years;
 - (2) Detain the juvenile in his or her home or current residence for not more than thirty (30) days without electronic monitoring; and/or
 - (3) Order not more than twenty-five (25) hours of community service work in a supervised work program.

State Law Reference: Secs. 938.343, 938.344, and 938.355, *Wis. Stats.*

SEC. 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

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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

1-2-1	Authorization for Use of Citation
1-2-2	Officials Authorized to Issue Citation
1-2-3	Form of Citation
1-2-4	Schedule of Deposits for Ordinance Violations
1-2-5	Receipt of Cash Deposits
1-2-6	Procedure
1-2-7	Nonexclusivity of Chapter

SEC. 1-2-1 AUTHORIZATION FOR USE OF CITATION.

The Village of Gays Mills 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 Section 66.119(1)(a), *Wis. Stats.*, to issue citations for violations of this Code of Ordinances, including ordinances for which a statutory counterpart exists. If residents of the Village of Gays Mills have ordinance violation concerns that they would like to be reviewed the village office must receive a signed complaint before authorized officials take action.

SEC. 1-2-2 OFFICIALS AUTHORIZED TO ISSUE CITATION.

Citations authorized in Section 1-2-1 above may be issued by the following designated Village officials with respect to sections of the Code which are directly related to the official's area of responsibility. The officials granted authority to issue citations under this Section may delegate the authority to other Village employees within the designated official's department with the approval of the Village Board:

- (a) Zoning Administrator.
- (b) Building Inspector.
- (c) Village President.
- (d) Crawford County Sheriff's Department

SEC. 1-2-3 FORM OF CITATION.

The form of the citation to be issued by Crawford County Sheriff's Department 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;

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- (d) The Section of the Code of Ordinances 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 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 will be deemed to have tendered a plea of no contest and submitted to a forfeiture and a penalty assessment imposed by Section 165.87, *Wis. Stats.*, jail assessments imposed by Section 302.46(1), *Wis. Stats.*, and any applicable domestic abuse assessment surcharge imposed by Section 973.055(1), *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 Section 165.87, *Wis. Stats.*;
 - (5) That if a court finds that the violation involves an ordinance that prohibits conduct that is the same as or similar to conduct prohibited by state statutes punishable by fine or imprisonment or both and that the violation resulted in damage to the property of or physical injury to a person other than the alleged violator, the court may summon the alleged violator into court to determine if restitution shall be ordered under Section 800.093, *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; and
- (i) Such other information as may be deemed necessary.

State Law Reference: Sec. 66.119, *Wis. Stats.*

“SEC. 1-2-4 SCHEDULE OF DEPOSITS FOR ORDINANCE VIOLATIONS

(A) To ensure uniformity and equal treatment of all persons who violate any provision of this Code, the deposit amounts set forth in the Revised Uniform State Traffic Deposit Schedule, as the same is amended from time to time, together with costs and surcharges, shall be the forfeitures imposed under this Code where the schedule states a deposit amount for a violation of statutory counterparts to the provisions of this code.

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(B) The following Schedule of Deposits for Code Violations shall be the used to establish the deposit amount for forfeitures for other violations of this code.

VILLAGE OF GAYS MILLS SCHEDULE OF FORFEITURE DEPOSITS
(Add all court costs and surcharges to amounts listed)

CHAPTER 7-1 DOGS AND ANIMAL REGULATION

<u>SECTION</u>	<u>DESCRIPTION</u>	<u>FIRST OFFENSE</u>	<u>SECOND AND SUBSEQUENT OFFENSE WITHIN 12 MONTHS</u>
7-1-1	License Requirement	100.00	200.00
7-1-2	Rabies Vaccinations	100.00	200.00
7-1-5	Rabies Quarantine	100.00	200.00
7-1-6	Restrictions on Keeping	30.00	80.00
7-1-8	Dog or Cat Bite	50.00	100.00
7-1-9	Pit Bulls and Wild Animals	30.00	80.00
7-1-10	Animal Feces	30.00	80.00
7-1-11	Injury to Property	30.00	80.00
7-1-12	Barking Dogs/Crying Cats	30.00	80.00
7-1-13	Providing Proper Food/Drink	100.00	200.00
7-1-14	Providing Proper Shelter	100.00	200.00
7-1-15	Mistreatment and Neglect	100.00	200.00
7-1-16	Limitation on Number	100.00	200.00

CHAPTER 8-1 HEALTH AND SANITATION

<u>SECTION</u>	<u>DESCRIPTION</u>	<u>FIRST OFFENSE</u>	<u>SECOND AND SUBSEQUENT OFFENSE WITHIN 12 MONTHS</u>
8-1-2	Weeds, Lawns & Grasses	100.00	200.00

CHAPTER 10-1 TRAFFIC AND PARKING

<u>SECTION</u>	<u>DESCRIPTION</u>	<u>FIRST OFFENSE</u>	<u>SECOND AND SUBSEQUENT OFFENSE WITHIN 12 MONTHS</u>
	Any traffic offense in the Chapter not covered by the Uniform State Traffic Deposit Schedule	30.00	60.00

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CHAPTER 10-5 ABANDONED AND JUNKED VEHICLES

<u>SECTION</u>	<u>DESCRIPTION</u>	<u>FIRST OFFENSE</u>	<u>SECOND AND SUBSEQUENT OFFENSE WITHIN 12 MONTHS</u>
10-5-1	Abandoned Vehicles	50.00	100.00
10-5-2	Storage and Reclaimer Fee per Day	35.00	
10-5-4	Sale Storage per Day	10.00	
10-5-6	Junked Vehicles and Other Junk	50.00	100.00

CHAPTER 11-2 OFFENSES AGAINST PUBLIC SAFETY, PEACE AND HEALTH

<u>SECTION</u>	<u>DESCRIPTION</u>	<u>FIRST OFFENSE</u>	<u>SECOND AND SUBSEQUENT OFFENSE WITHIN 12 MONTHS</u>
11-2-2	Concealed Carry in Public Buildings	30.00	80.00
11-2-5	Loitering	50.00	100.00
11-2-6	Loud and Unnecessary Noise	50.00	100.00
11-2-7	Possession of Marijuana	200.00	200.00
11-2-8	Abandoned Refrigerators	50.00	100.00

CHAPTER 11-3 OFFENSES AGAINST PROPERTY

<u>SECTION</u>	<u>DESCRIPTION</u>	<u>FIRST OFFENSE</u>	<u>SECOND AND SUBSEQUENT OFFENSE WITHIN 12 MONTHS</u>
11-3-1	Littering	30.00	80.00
11-3-2	Graffiti	30.00	100.00
11-3-3	Cemetery Regulations	30.00	60.00

CHAPTER 11-4 OFFENSES BY JUVENILES

<u>SECTION</u>	<u>DESCRIPTION</u>	<u>FIRST OFFENSE</u>	<u>SECOND AND SUBSEQUENT OFFENSE WITHIN 12 MONTHS</u>
11-4-2	Curfew (Parent)	30.00	80.00
11-4-3	Possession/Manufacture/Delivery of Drug Paraphernalia		per state forfeiture schedule

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CHAPTER 12-1 PARKS AND RECREATION

<u>SECTION</u>	<u>DESCRIPTION</u>	<u>FIRST OFFENSE</u>	<u>SECOND AND SUBSEQUENT OFFENSE WITHIN 12 MONTHS</u>
12-1-1	Park Regulations	50.00	100.00
11-5-4	Operation of Radio-Controlled Airborne Toys or Devices	50.00	100.00

(C) Penalty For Minors. In the event proceedings are commenced against children aged 16 or older for violations of Title VII of this code, or children 14 years of age or older for other violations of this code, except Title VII, the provisions of ss. 48.17(2), 48.237, 48.37, 48.343 and 48.344, Wis. Stats., shall be applicable.”

SEC. 1-2-5 RECEIPT OF CASH DEPOSITS.

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

State Law Reference: Sec. 66.119(1)(c), *Wis. Stats.*

SEC. 1-2-6 PROCEDURE.

Section 66.119(3), *Wis. Stats.*, relating to violator’s options and procedure on default, is hereby adopted and incorporated herein by reference.

SEC. 1-2-7 NONEXCLUSIVITY OF CHAPTER.

- (a) **Adoption of Chapter.** 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) **Issuance of Citation.** 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.