

CHAPTER 20- CONSTRUCTION AND EFFECT OF ORDINANCES

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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 ordinance:

- (1) WISCONSIN STATUTES. All references to "Wisconsin Statutes" or "Wis. Stats." means the current edition of the Wisconsin Statutes and includes the most recent biennial session.
- (2) GENDER, SINGULAR AND PLURAL. Every word in this Code and in any ordinance imparting the masculine gender may extend and be applied to females as well as males, and every word imparting the singular number only may extend and be applied to several persons or things as well as to one person or thing; provided these rules of construction shall not be applied to any provision which contains any express language excluding such construction or when the subject matter or context of such provision 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 capable of being sued, unless plainly inapplicable.
- (4) ACTS OF 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 requirement shall be construed to include all such acts when done by an authorized agent.

20.02 CONFLICT AND SEPARABILITY

(1) CONFLICT OF 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 the 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 Board hereby declares 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 or portions may be declared invalid or unconstitutional.

20.03 CLERK TO FILE DOCUMENTS INCORPORATED BY REFERENCE

Whenever in this Code any standard, code, rule, regulation 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 Clerk shall 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's office hours, subject to such orders or regulations which the Clerk may prescribe for their preservation.

20.04 CITATION METHOD OF ENFORCEMENT

(1) STATUTORY AUTHORIZATION. Pursuant to §66.0113, Wis. Stats., the Village shall use the citation method of enforcement of certain chapters.

(2) THE CITATION. The citation shall contain the following:

- (a) The name and address of the alleged violator.
- (b) The factual allegations describing the alleged violation.
- (c) The time and place of the offense.
- (d) The section of the ordinance violated.
- (e) A designation of the offense in a manner that 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 the Clerk of Courts prior to their return date.

(2) that if such a deposit is made, he or 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 or she either will be deemed to have tendered a plea of no contest and submitted to a forfeiture, a penalty assessment imposed by s. 757.05, Wis. Stats., a jail assessment imposed by s. 302.46(1), Wis. Stats., a crime laboratories and drug law enforcement assessment imposed by s. 165.755, Wis. Stats., any applicable consumer protection assessment imposed by s. 100.261, Wis. Stats., and any applicable domestic abuse assessment imposed by s. 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, the court may issue a summons or a warrant for the defendant's arrest or consider the nonappearance to be a plea of no contest and enter judgment under sub. (j) (iv), or the Village may commence an action against the alleged violator to collect the forfeiture, the penalty assessment imposed by s. 757.05, Wis. Stats., the jail assessment imposed by s. 302.46 (1), Wis. Stats., the crime laboratories and drug law enforcement assessment imposed by s. 165.755, Wis. Stats., any applicable consumer protection assessment imposed by s. 100.261, Wis. Stats., and any applicable domestic abuse assessment imposed by s. 973.055(1), Wis. Stats.

(5) That if the court finds that the violation involves an ordinance that prohibits conduct that is the same as or similar to conduct prohibited by state statute 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 s. 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 or she read the statement required under sub. (g) and shall send the signed statement with the cash deposit.

(i) Such other information as the Village deems necessary.

(j) The form of the citation to be used by the Village is on file with the Village Clerk and is adopted by reference.

(i) Schedule of Deposits. The schedule of cash deposits for use with citations issued under this section shall be as provided in §20.05(4) of this chapter and such schedule shall be on file in the office of the Chief of Police and in the office of the Clerk.

(ii) Form of Deposits. Deposits shall be made to the Clerk of Courts, who shall provide a receipt therefore.

(iii) Issuance of Citation. Any law enforcement officer may issue citations authorized under this section.

(iv) Procedure. Section 66.0113(3), Wis. Stats., relating to violator's options and procedure on default, is adopted and incorporated herein by reference.

(v) Nonexclusivity.

1. Other Ordinance. This section does not preclude the Board from adopting any other ordinance or providing for the enforcement of any law or ordinance relating to the same or other matter.

2. Other Remedies. 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.

20.05 PENALTY PROVISIONS

(1) GENERAL PENALTY. 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. Any person who shall violate any provision of this Code shall, upon conviction thereof, forfeit not less than \$5 nor more than \$1,000, 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.

If a minor should default in payment of any forfeiture and/or costs of prosecution, the driver's license of such minor shall be suspended until such forfeiture and costs are paid, but not exceeding 30 days.

(b) Second Offense. Any person found violating any ordinance or part of an ordinance of this Code who has previously been convicted of a violation of the same ordinance within one year shall, upon conviction thereof, forfeit not less than \$10 nor more than \$1,000 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 such forfeiture and costs are paid, but not exceeding 6 months. If a minor should default in payment of any forfeiture and/or costs of prosecution, the driver's license of such minor shall be suspended until such forfeiture and costs are paid, but not exceeding 3 months.

(2) 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.

(3) EXECUTION AGAINST DEFENDANT'S PROPERTY. Whenever any person fails to pay any forfeiture and costs of prosecution upon the order of any 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 such forfeiture and costs.

(4) SCHEDULE OF DEPOSITS AND PENALTY ASSESSMENTS.

(a) The State of Wisconsin revised uniform traffic deposit schedule and alcoholic beverages, harassment and safety violations deposit schedule, and uniform misdemeanor bail schedule and trespass to land deposit schedule, including future amendments, revisions or modifications, are adopted for all violations of state statutes adopted by this code and statutory counterpart Ordinances adopted by this Code.

(b) (10/2010)The following is the forfeiture schedule established by the Municipal Judge and approved by the Village Board which, in addition to the costs of prosecution, constitute the schedule of cash deposits for the various ordinances listed therein:

Violation	Ordinance Number	Forfeiture
OWI + Surcharge	6.01/346.63(1)(a)	\$250.00
PAC + Surcharge	6.01/346.63(1)(b)	\$250.00
OWI Passenger under 16 YOA	6.01/346.63(1)(a)	\$500.00
Payment of fees	2.10	\$50.00
Traffic control devices	6.03(6)	\$30.00
Parking restrictions		
Official sign at boat launch	6.05(1)	\$25.00
Walworth Avenue	6.05(2)	\$10.00
Meters	6.05(3)a	\$10.00
1 & 2 Hour zones	6.05(3)b	\$10.00
Double parking	6.05(3)c	\$10.00
Blocking alley	6.05(3)d	\$10.00
Blocking driveway	6.05(3)e	\$10.00
Wrong side of street	6.05(3)f	\$10.00
Winter Parking restrictions	6.05(3)g	\$10.00
Snow Emergency	6.05(3)h	\$25.00
Fire Hydrant	6.05(3)i	\$25.00
No parking zone	6.05(3)j	\$10.00
Improper Parking	6.05(3)k	\$10.00
Yellow Curb	6.05(3)l	\$10.00
Official sign	6.05(3)m	\$10.00
Parking on crosswalk	6.05(3)n	\$10.00
Parking at fire station	6.05(3)o	\$25.00
Parking upon sidewalk	6.05(3)p	\$10.00
Private Lots	6.05(3)q	\$10.00
Public Lots	6.05(3)r	\$10.00
Park obstructing traffic	6.05(3)s	\$10.00
Handicap Parking	6.05(3)t	\$100.00
Semi-truck trailer	6.05(3)u	\$10.00
Park without paying fee	6.05(3)v	\$25.00
Park on Terrace	6.05(3)w	\$10.00
Street Maintenance	6.05(3)x	\$10.00
Resident Permit required	6.05L3)y	\$25.00
Non display of permit	6.05(3)y	\$10.00
24 hour street trailer parking	6.05(3)z	\$10.00
Removing parking tickets	6.05(7)	\$50.00
Unnecessary Acceleration	6.07	\$50.00
Snowmobiles	6.08	\$50.00
Absolute Sobriety	6.09	\$10.00

Uniform numbering	7.06	\$25.00
Sale to minors (Liquor)	8.01(1)	\$200.00
Sale to minors (Beer)	8.01(1)	\$100.00
Underage Consumption	8.01(1)	\$100.00
Underage Consumption 2 nd	8.01(1)	\$200.00
Underage Consumption 3 rd	8.01(1)	\$300.00
Direct sellers	8.02	\$50.00
Open Intoxicants (public)	8.01(5)	\$100.00
Open Intoxicants (vehicle)	8.01(6)	\$100.00
Bicycles	8.04	\$5.00
Dog restrictions (1 st offense)	8.07	\$25.00
Dog restrictions (2 nd offense)	8.07	\$50.00
Dog restrictions (3 rd offense)	8.07	\$100.00
False Alarms (verbally given)	8.13(1)	\$100.00
False Alarms (1 st offense)	8.13(2)	\$100.00
False Alarms (2 nd offense)	8.13(2)	\$200.00
False Alarms (3 rd offense)	8.13(2)	\$300.00
False Alarms (4 th offense)	8.13(2)	\$400.00
False Alarms (5 th offense)	8.13(2)	\$500.00
Property Maintenance	9.09	\$100.00
Tattooing a child	10.01/948.70	\$100.00
Mistreating animals	10.01/951.02	\$100.00
Dog/Cat napping	10.01/951.03	\$100.00
Use of poisonous substances	10.01/951.06	\$100.00
Food and drink for animals	10.01/951.13	\$100.00
Proper shelter for animals	10.01/951.14	\$100.00
Neglect, Abandoned animals	10.01/951.15	\$100.00
Discharge & Carry firearms	10.015	\$100.00
Arrows, Stones, and missiles	10.02	\$50.00
Fireworks regulated	10.03	\$50.00
Obstructing streets/sidewalks	10.04	\$30.00
Unnecessary Noise	10.05	\$30.00
Gambling	10.07	\$100.00
Loitering	10.08	\$30.00
Curfew	10.09	\$25.00
Indecent advertising	10.10	\$50.00
Burning	10.11(1)	\$30.00
Littering	10.13	\$50.00
Open Cisterns	10.14	\$50.00
Abandoned ice boxes	10.15	\$50.00
Lake Shore path	10.16	\$50.00
Truancy, Parental responsibility	10.17(5)	\$50.00
Sleeping in motor vehicle	10.18	\$50.00
Abandoned vehicle	10.19	\$50.00
Attempted vandalism/theft/battery	10.20	\$50.00
Conspiracy/unlawful acts	10.21	\$100.00
Controlled substances (marijuana)	10.22(1)	\$200.00
Controlled substances (Other)	10.22(1)	\$400.00
Drug Paraphernalia	10.22(2)	\$200.00
Misrepresent Age	10.23	\$25.00
Tobacco products	10.24	\$25.00
Unauthorized presence in school	10.25	\$50.00
Hunting regulations	10.26	\$50.00

Feeding waterfowl	10.27	\$50.00
Smoking regulated (public buildings)	10.28	\$50.00
Parental responsibility	10.30	\$100.00
Nature Conservancy Rules	10.29	\$50.00
Bicycles and Skateboards	10.31	\$25.00
Adopted state laws by 10.01		
Party to crime	10.01/939.05	\$100.00
Battery / Simple	10.01/940.19(1)	\$200.00
4 th degree sexual assault	10.01/940.225(3m(4)7	\$200.00
Duty to aid and report	10.01/940.34	\$100.00
Witness Intimidation	10.01/940.42	\$250.00
Victim Intimidation	10.01/940.44	\$300.00
Negligent handling burning materials	10.01/941.10	\$100.00
Interfering with fire fighting	10.01/941.12	\$250.00
False Alarms	10.01/941.13	\$100.00
Reckless use of weapon	10.01/941.20	\$100.00
Carry Concealed weapon	10.01/941.23	\$250.00
Possess switchblade knives	10.01/941.24	\$250.00
Facsimile firearms (fake)	10.01/941.297	\$100.00
Electric, Gas & water theft	10.01/941.36	\$100.00
Obstructing EMS Personnel	10.01/941.37	\$250.00
Opening letters	10.01/942.05	\$100.00
Criminal Damage to property <\$100	10.01/943.01	\$100.00
Criminal Damage to property >\$100	10.01/943.01	\$200.00
Entry into locked vehicle	10.01/943.11	\$100.00
Entry into locked coin box	10.01/943.125	\$100.00
Trespass to land	10.01/943.13	\$100.00
Criminal trespass to dwelling	10.01/943.14	\$200.00
Entry into locked building, site, room	10.01943.15	\$200.00
Petty theft <\$100	10.01/943.20	\$100.00
Petty theft >\$100	10.01/943.20	\$200.00
Fraud on hotel, Inn keeper	10.01/943.21	\$100.00
Cheating tokens	10.01/943.22	\$100.00
OVMOC	10.01/943.23	\$300.00
Issue worthless checks	10.01/943.24	\$100.00
Receiving stolen property	10.01/943.34	\$100.00
Alteration of ID Marks	10.01/943.37	\$100.00
Telecommunications theft	10.01/943.45	\$100.00
Cable TV theft	10.01/943.46	\$100.00
Retail theft (shoplifting)	10.01/943.50	\$100.00
Theft of library materials	10.01/943.61	\$100.00
Lewd & Lascivious behavior	10.01/944.20	\$100.00
Obscene material/behavior	10.01/944.21	\$100.00
Make lewd & Obscene drawing	10.01/944.23	\$100.00
Prostitution	10.01/944.30	\$100.00
Patronizing Prostitutes	10.01/944.31	\$100.00
Pandering	10.01/944.33	\$100.00
Refusing to aid an officer	10.01/946.40	\$200.00
Obstructing an officer (false info)	10.01/946.41	\$100.00
Resisting an officer	10.01/946.41	\$250.00
Escape	10.01/946.42	\$400.00
Assisting Escape	10.01/946.44	\$200.00
Compounding/Concealing a crime	10.01/946.67	\$100.00

Disorderly Conduct	10.01/947.01	\$100.00
Disorderly Conduct (FIGHTING)	10.01/947.01	\$250.00
Unlawful use of telephone	10.01/947.012	\$100.00
Harassment	10.01/947.013	\$100.00
Vagrancy	10.01/947.02	\$100.00
Unlawful Assemblies	10.01/947.06	\$100.00
Sex with a child over 16 years of age	10.01/948.09	\$200.00
Exposing genitals or pubic area	10.01/948.10	\$200.00
Possession of pornography	10.01/948.12	\$100.00
Child Neglect	10.01/948.21	\$100.00
Contribute to delinquency	10.01/948.40	\$100.00
Contribute to truancy	10.01/948.45	\$100.00
Firearm/Ammo access to children	10.01/948.55	\$100.00
Child possess dangerous weapon	10.01/948.60	\$100.00
Gun-Free school zones	10.01/948.605	\$250.00
Dangerous weapon in school	10.01/948.61	\$250.00
Receive stolen property from child	10.01/948.63	\$200.00
Unsanitary debris	11.03(10)	\$50.00
Disorderly House	11.04(1)	\$200.00
Gambling devices	11.04(2)	\$200.00
Unlicensed sale of liquor	11.04(3)	\$200.00
Continuous violations	11.04(4)	\$200.00
Illegal drinking	11.04(5)	\$100.00
Noisy animal/fowl	11.05(10)	\$50.00
Unlawful assembly	11.05(12)	\$200.00
Parking on municipal pier / 15 minute	12.02(1)(a)1	\$25.00
Parking on municipal pier / 2 hr zone	12.02(1)(a)2	\$25.00
No parking zone on pier	12.02(1)(a)3	\$25.00
Parking in wrong slip	12.02(1)(a)3	\$50.00
Docking on south side of T-pier	12.02(1)(b)	\$25.00
Parking on pier after 11 p.m.	12.02(1)(c)	\$50.00
Launching from shoreline	12.02(2)(a)	\$50.00
Attaching to shore	12.02(3)(a)	\$25.00
Buoy permits	12.03(1)	\$25.00
Pier permits	12.05(2)	\$25.00
Removal of meters	13.04(6)	\$100.00
Building codes	15	\$100.00
UNLISTED VIOLATIONS		
1 st offense		\$50.00
2 nd offense		\$100.00
3 rd offense and over		\$300.00
OAS / Causing Property Damage	343.05(5)(b)3a	\$1,000.00
OAS / Causing Injury	343.05(5)(b)3b	\$5,000.00

(5) ISSUANCE OF CITATIONS.

(a) The Village police and other persons designated by the Village Board to enforce Village ordinances may issue citations authorized under this chapter.

(b) The Village Attorney may issue citations authorized under this chapter.

(6) PROCEDURE.

(a) Section 66.0113(3), Wis. Stats., relating to violator's options and procedure on default is hereby adopted and incorporated herein by reference.

(b) The Village Treasurer shall transmit all penalty assessments to the State Treasurer as provided in section 66.0114(1) (bm), Wis. Stats.

(7) NONEXCLUSIVITY.

(a) Adoption of this provision does not preclude the Village Board from adopting any other provision for the enforcement of any other law or regulation relating to same or other matters.

(b) The issuance of a citation hereunder shall not preclude the Village or any authorized official from proceeding under any other law or by any other enforcement method to enforce any ordinance, regulation or order.

20.06 REPEAL OF GENERAL ORDINANCES

All ordinances heretofore adopted by the Village Board 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.

(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) The establishment of aldermanic districts, aldermanic district boundaries and election precincts.

(10) Tax and special assessment levies.

(11) Release of persons, firms or corporations from liability.

(12) Construction of any public works.

(13) Water, sewer and electric rates, rules and regulations and sewer and water main construction.

(14) Budget ordinances, resolutions and actions.

20.07 EFFECT OF REPEALS

The repeal or amendment of any section or provision of this Code or of any other ordinances or resolutions 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 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 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.

20.08 TITLE: EFFECTIVE DATE: CITATION

These ordinances shall be known as the "Municipal Code of the Village of Williams Bay" and shall take effect from and after passage and publication as provided in §61.50, Wis. Stats. All references thereto shall be cited by section number (example: §13.06, Municipal Code of the Village of Williams Bay).

20.09 KEEPING CODE CURRENT: REVISORS AMENDMENTS

As each ordinance or resolution affecting the Municipal Code becomes effective, the Village Clerk shall forward such ordinance or resolution to the Village Administrator, who shall incorporate them into the Municipal Code. The Village Administrator shall make no substantive changes to such ordinances and resolutions 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 resolutions or the provisions of this Municipal Code affected thereby.