

ALLOUEZ VILLAGE CODE

CHAPTER 1

GENERAL PROVISIONS

1.01 ALLOUEZ VILLAGE CODE.

A. Title.

This code of ordinances may be known and cited as the Allouez Village Code.

B. Amendments.

Any additional ordinances and/or amendments to existing ordinances are incorporated in and made a part of this code so that a reference to the Allouez Village Code includes all such additions and amendments.

C. Numbering of Sections.

Each section number of this code shall consist of two component parts separated by a period; the figure before the period refers to the chapter number and the figure after the period refers to the position of the section within the chapter.

D. Numbering Additions.

The decimal system shall be used for all additions or amendments to this code. When a chapter or section is to be added the new chapter or section shall be given a decimal character.

1.02 DEFINITIONS.

A. General.

Terms used in this code, unless specifically defined in this code, have the same meanings prescribed by the Wisconsin Statutes for the same terms, or if not defined in this code or the statutes, then their usual and customary meanings.

B. Specific.

Terms used in this code have the following meanings:

- (1) **Act:** Includes the failure or omission to do something which should have been done, or which was required to be done, under the circumstances then existing.
- (2) **Board:** The Village Board of the Village of Allouez, and similarly the title of any other official, board or commission shall refer to that of the Village of Allouez unless otherwise stated.

- (3) **Code:** The Allouez Village Code (this code).
- (4) **County:** Brown County
- (5) **Ordinance:** An ordinance of the Village of Allouez and all amendments thereto included in this code; and any ordinance passed and published, but not yet included in this code.
- (6) **Person:** Any natural individual, firm, partnership, trust, estate, club, association or corporation. As applied to partnerships or associations, the word includes the partners or members thereof; as applied to corporations, the word includes the officers, agents or employees thereof who are responsible for the act referred to. The singular person includes the plural and the plural includes the singular. The masculine gender includes the feminine and neuter genders, and vice versa.
- (7) **State:** State of Wisconsin
- (8) **Village:** Village of Allouez, Brown County, Wisconsin
- (9) **Wisconsin Statutes:** The latest publication thereof, and any and all amendments thereto as and when enacted.

1.03 REPEAL OF ORDINANCES.

A. Certain Ordinances Repealed.

All general ordinances or parts of ordinances heretofore adopted by the Village Board and not included in this code are repealed, except the following which are hereby continued in full force and effect:

- (1) Ordinances authorizing contracts and/or the issuance of municipal notes or bonds;
- (2) Ordinances levying taxes and/or making special assessments;
- (3) Ordinances appropriating funds and/or establishing salaries;
- (4) Ordinances granting franchises and/or rights to corporations;
- (5) Ordinances relating to the establishment, dedication, opening, grading, naming, improvement, altering, widening and/or vacating of streets, alleys, sidewalks, parks and/or public grounds;
 - (6) Ordinances respecting the conveyance or acceptance of real property and/or easements in real property;
 - (7) Ordinances authorizing and/or relating to particular public improvements; and
 - (8) Any other special ordinances not in conflict with the provisions of this code.

B. Included Ordinances Continuous.

The provisions of this code, so far as they are the same in substance as those of heretofore existing ordinances, are continuations of such ordinances and not new enactments. Any act done, offense committed, right accruing or acquired and liability, penalty, forfeiture and punishment incurred prior hereto, shall not be affected but may be enjoyed, asserted, enforced, prosecuted and/or inflicted as fully and to the same extent as if the above repeal had not been effected.

1.04 JURISDICTION.

Unless otherwise provided in this code, this code applies to acts performed within the Village of Allouez, Brown County, Wisconsin.

1.05 PENALTIES.

A. Standard Penalty.

Unless another penalty is expressly provided by the Code for any particular provision, section or chapter, any person violating any provision of this Code or any rule or regulation adopted or issued in pursuance thereof, or any provision of any Code adopted here by reference shall, upon conviction, be subject to a forfeiture of not less than \$1.00 nor more than \$10,000.00 and the cost of prosecution. In default of immediate payment of such forfeiture and costs such person shall be committed to the Brown County jail until such forfeiture and costs are paid, or such person's driver's license may be suspended for a period of up to two years. Every commitment shall limit the duration of such imprisonment to a definite term not exceeding ninety (90) days.

B. Each Day a Violation.

Each act of violation, and every day upon which a violation occurs or continues, constitutes a separate offense.

C. Applicability.

The penalty provided by this section and/or any section of this code applies to the amendment of any section of this code and any code adopted herein by reference to which the penalty relates whether or not such penalty is re-enacted in the amendatory ordinances, unless otherwise provided in the amendment.

D. Reference to Sections.

Reference to any section of this code shall be understood also to refer to and include the penalty section relating thereto, unless otherwise expressly provided.

E. Failure of Officers to Perform Duties.

The failure of any officer or employee of the Village to perform any official duty imposed by this code shall not subject such officer or employee to the penalty imposed for violation of this code, unless a penalty is specifically provided.

F. Bond Schedule, Non-traffic Violations.

The Bond Schedule for violations shall be as set forth in the attached Schedule A, which may be amended from time to time by Resolution of the Village Board.

G. Alternative Juvenile Dispositions and Sanctions.

(1) The municipal court may impose any of the dispositions listed in Section 938.343 and 938.344, Wis. Stats., in accordance with the provisions of those statutes, if a juvenile is adjudged to have violated a village ordinance.

(2) The municipal court may impose any of the sanctions listed in Section 938.355(6)(d), Wis. Stats., in accordance with the provisions thereof, if a juvenile who is adjudged to have violated a village ordinance violates a condition of a dispositional order of the court under Section 938.343 or 938.344, Wis. Stats.

1.06 RESPONSIBILITY FOR ACTS.

Every person concerned in the commission of any act prohibited by this code, whether he directly commits the act, or in any way directs, encourages, advises, aids, or abets its commission, may be prosecuted and on conviction thereof is subject to punishment the same as if he had directly committed such act.

1.07 SEPARABILITY OF PROVISIONS.

Each section, subsection, paragraph, sentence, phrase, clause and provision of this code is separable, and if any provision hereto is held to be unconstitutional or invalid for any reason, such decision shall not affect the remainder of this code nor any part thereof, and it shall be deemed and is hereby declared that all remaining parts of this code would have been passed and published the same as if such illegal, invalid or unconstitutional section, subsection,

paragraph, sentence, phrase, clause or provision had not been included herein.

1.08 EFFECTIVE DATE.

This code of ordinances shall take effect upon passage and publication in book form under the authority of the Village Board as provided by Section 66.035, Wisconsin Statutes, and other provisions of law.

1.09 COPIES ON FILE.

A copy of this code shall be kept permanently on file, and open and available for public inspection at the office of the Village Clerk-Treasurer.

1.10 OTHER COSTS.

Every citation issued for violation of any Village Ordinance shall include the following costs in addition to the forfeiture amount:

A. Penalty Assessment.

The penalty assessment shall be an amount equal to twenty-six (26%) percent of the forfeiture amount (effective December 31, 2005).

B. Court Costs.

Pursuant to §814.65(1), Wis. Stats., the Municipal Judge shall collect court costs in Municipal Court actions equivalent to the maximum allowed by the State of Wisconsin.

C. Jail Assessment.

The jail assessment shall be \$10.00.

D. Crime Lab Fee.

The crime lab fee shall be Thirteen Dollars (\$13.00). (Effective July 1, 2009)

E. Alcohol Related Offenses.

Upon conviction of any alcohol-related offense for which the Village has expended funds or incurred expense for the withdrawal or testing of blood or urine, the cost of such

service to the Village shall be added to any forfeiture, court costs, and fees imposed by the court.

1.11 CITATION.

Pursuant to Wis. Stats. § 66.0113, the Village hereby elects to use the citation method of enforcement of ordinances, including those for which a statutory counterpart exists.

A. *Information required.* The municipal citation shall contain the following information:

- (1) The name and address of the alleged violator.
- (2) Factual allegations describing the alleged violation.
- (3) The time and place of the offense.
- (4) The section of the Code violated.
- (5) A designation of the offense in such manner as can readily be understood by a person making a reasonable effort to do so.
- (6) The time at which the alleged violator may appear in court.
- (7) A statement which in essence informs the alleged violator:
 - (a) That a cash deposit based on the schedule established by the Village Board as a part of this Code may be made which shall be delivered or mailed to the Clerk of Municipal Court prior to the time of the scheduled court appearance.
 - (b) That if a deposit is made, no appearance in court is necessary, unless he is subsequently summoned.
 - (c) That if a cash deposit is made and the alleged violator does not appear in court, he will be deemed to have entered a plea of no contest or, if the court does not accept the plea of no contest, a summons will be issued commanding him to appear in court to answer the complaint.
 - (d) That if no cash deposit is made and the alleged violator does not appear in court at the time specified, an action may be commenced to collect the forfeiture.
- (8) A direction that if the alleged violator elects to make a cash deposit, the statement which accompanies the citation shall be signed to indicate that the statement required under subsection A.(7) of this section has been read. Such statement shall be sent or brought with the cash deposit.
- (9) Such other information as the Village deems necessary.

- B. *Form of citation.* The Village hereby adopts for use the Wisconsin Uniform Municipal Citation, Form MSC 1, consisting of a three-part citation, a sample of which is on file in the office of the Village Clerk and adopted by reference as though fully set forth herein.
- C. *Schedule of deposits.* The schedule of cash deposits for use with citations issued under this section shall be as adopted by the Village Board from time to time and such schedule shall be on file in the office of the Chief of Police and in the office of the Village Clerk. Deposits shall be in cash, money order or certified check to the Village Clerk or to the Clerk of Court, Municipal Court, who shall provide a receipt.
- D. *Issuance of citation.*
- (1) *Law enforcement officer.* Any law enforcement officer may issue citations authorized under this section.
 - (2) *Village officials.* The following Village officials and their designated agents may issue citations with respect to those specified sections which are directly related to their official responsibilities:
 - (a) Building inspector.
 - (b) Fire and health inspector.
 - (c) Zoning administrator.
 - (d) Park security officers as specified in Wis. Stats. § 19.35(2).
 - (e) Street superintendent.
 - (f) Code enforcement officer.
 - (g) Animal control/humane officer.
- E. *Procedure.* Wis. Stats. § 66.0113(3), relating to violator's options and procedure on default, is hereby adopted and incorporated herein by reference.
- F. *Issuance.* Citations may be issued to property owners and / or tenants in violation of the Village of Allouez ordinances and codes.
- G. *Nonexclusivity.*
- (1) *Other ordinances.* This section does not preclude the Village Board from adopting any other ordinances 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.