

CHAPTER 15 – CONSTRUCTION AND EFFECT OF ORDINANCES

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15.1 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.

The term Wisconsin Statutes wherever used in this Code shall mean the Wisconsin statutes for the years 2003-2004, and as subsequently amended from time-to-time.

(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 applied 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 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 principle, such requirement shall be construed to include all, such acts when done by an authorized agent.

15.2 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 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 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, sentences, clauses, phrases or portions thereof may be declared invalid or unconstitutional.

15.3 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 or her office a copy of the Code, standard, rule, regulation or other written or printed matter as adopted unless it is otherwise readily available to the public as a published document. 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.

15.4 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 – Penalty.
Any person who shall violate any provision of this Code subject to a penalty shall, upon conviction thereof, forfeit not less than one-hundred dollars (\$100.00) nor more than one-thousand dollars (\$1,000.00) 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 in accordance with Wis. Stat. § 800.095.
 - (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 within one year shall upon conviction thereof, forfeit not less than

one-hundred fifty dollars (\$150.00) nor more than two-thousand dollars (\$2,000.00) 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 in accordance with Wis. Stat. § 800.095.

(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) OTHER REMEDIES AVAILABLE.

Establishment of forfeitures for violation of this Code shall, in no way, be construed to preclude the Village from pursuing any other remedy available in equity or at law to prevent, punish and/or enjoin violation 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 costs.

15.5 TITLE: EFFECTIVE DATE: CITATION.

These ordinances shall be known as the “Code of Ordinances for the Village of Lac La Belle” and shall take effect from and after passage and publication as provided in Wis. Stats. § 66.0103. All references thereto shall be cited by section number (example: sec. 13.06, Code of Ordinances for the Village of Lac La Belle).

15.6 CITATIONS.

- (1) Pursuant to the authority of Wis. Stats. § 66.0113, the Village Board hereby authorizes the use of a citation to be issued for violations of ordinances including ordinances for which a statutory counterpart exists.
- (2) The citation shall contain the following:
 - (a) The name and address of the alleged violator;
 - (b) 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 such manner as can readily be 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 that:

- (i) A cash deposit based on the schedule established by this section may be made which shall be delivered or mailed to the Clerk of the Municipal Court prior to the time of the scheduled court appearance.
 - (ii) If a cash deposit is made, no appearance in court is necessary unless subsequently summoned.
 - (iii) If a cash deposit is made and the alleged violator does not appear in court, the nonappearance will be deemed a plea of no contest for which a forfeiture not to exceed the amount of the deposit is submitted or, if the court does not accept the plea of no contest, a summons will be issued ordering the alleged violator to appear in court to answer the complaint.
 - (iv) If not 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 up to the maximum permitted by law.
 - (v) If the court finds that the violation 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 Wis. Stats. § 800.093. [Added 12-11-00].
 - (vi) 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 2(g) above has been read. Such statement shall be sent or brought with the cash deposit.
 - (vii) Such other information as the Village deems necessary.
- (3) Schedule of deposits.
- (a) The schedule of cash deposits set forth in the attached Exhibit A is established for use with citations issued under this Section.
 - (b) Deposits shall be made to the Clerk of the Municipal Court in cash, money order, certified check, or such other form acceptable to the Clerk of Courts, who shall provide a receipt therefore.
- (4) Issuance of citations
- (a) Any law enforcement officer may issue citations for enforcement of any ordinances authorized under this section.
 - (b) The Village Attorney is hereby authorized to issue citations for enforcement of all ordinances for which use of a citation is authorized under this Section.
 - (c) The provisions of Wis. Stats. § 66.0113(3), relating to the violator’s options ad procedure on default are hereby adopted and incorporated herein by reference.
- (5) Adoption of this section shall, in no way, preclude the adoption of any other ordinance providing for the enforcement of any other law or ordinance relating to the enforcement

of ordinances or any other matter. The issuance of a citation under this Chapter shall not be deemed to preclude proceeding under any other ordinance or law relating to the same or any other matter. Proceeding under any other ordinance or law relating to the same or any other matter does not preclude the issuance of a citation under this Chapter.

EXHIBIT A – DEPOSIT SCHEDULE – See Village of Lac La Belle Clerk for most current version.

Chapter 15 - EXHIBIT A
Deposit Schedule

Eff. 09/01/05

Chapter/ Section	Offense	Penalty	Penalty Assessment	Court Costs	Jail Assessment	Crime Lab Fee	Req'd Deposit	
1.08	Interference w/ Village Signs/Postings	\$200.00	\$50.00	\$23.00	\$10.00	\$8.00	\$291.00	
1.09	Street Excavation w/o Permit	\$300.00	\$75.00	\$23.00	\$10.00	\$8.00	\$416.00	
2.20	Obstruction of Civil Defense	\$300.00	\$75.00	\$23.00	\$10.00	\$8.00	\$416.00	
3.01(1)	State Traffic Code Violations	Use State Uniform Bond Schedule						
3.01(2)	Loud Noise and Excessive Acceleration	\$50.00	\$12.50	\$23.00	\$10.00	\$8.00	\$103.50	
3.01(4)	Disorderly Conduct w/ Motor Vehicle	\$50.00	\$12.50	\$23.00	\$10.00	\$8.00	\$103.50	
3.01(5)	Special/Seasonal Weight Limit Violations	Use State Uniform Bond Schedule						
3.01(8)	Parking Prohibited	\$25.00						
3.05(A)	Snowmobile Regulations-State	Use State Uniform Bond Schedule						
3.05(B)	Snowmobile on Public Property	\$50.00	\$12.50	\$23.00	\$10.00	\$8.00	\$103.50	
3.05(C)	Snowmobile Nighttime Speed	\$50.00	\$12.50	\$23.00	\$10.00	\$8.00	\$103.50	
3.05(D)	Snowmobile Daytime Speed	\$50.00	\$12.50	\$23.00	\$10.00	\$8.00	\$103.50	
3.05(E)	Snowmobile Hours of Operation	\$50.00	\$12.50	\$23.00	\$10.00	\$8.00	\$103.50	
3.05(F)	Unattended Snowmobiles	\$50.00	\$12.50	\$23.00	\$10.00	\$8.00	\$103.50	
3.05(G)	Snowmobile Operation on Ice/Water	\$50.00	\$12.50	\$23.00	\$10.00	\$8.00	\$103.50	
4.01	Liquor Law License Violations	\$200.00	\$50.00	\$23.00	\$10.00	\$8.00	\$291.00	
4.02(1)	Dog License Violation	\$50.00	\$12.50	\$23.00	\$10.00	\$8.00	\$103.50	
4.02(3)	Dog License Not on Dog Collar	\$50.00	\$12.50	\$23.00	\$10.00	\$8.00	\$103.50	
4.02(4)	Number of Dogs on Premises	\$50.00	\$12.50	\$23.00	\$10.00	\$8.00	\$103.50	
4.02(5)	Dog Restrictions Violation (specify)	\$50.00	\$12.50	\$23.00	\$10.00	\$8.00	\$103.50	
4.04	Tobacco License Violation	\$50.00	\$12.50	\$23.00	\$10.00	\$8.00	\$103.50	
5.01	Firearm Use/Discharge	\$200.00	\$50.00	\$23.00	\$10.00	\$8.00	\$291.00	
5.02	Throwing/Shooting of Projectiles	\$50.00	\$12.50	\$23.00	\$10.00	\$8.00	\$103.50	
5.03	Burning of Grass and Trash	\$100.00	\$25.00	\$23.00	\$10.00	\$8.00	\$166.00	
5.04	Fireworks Violation	\$100.00	\$25.00	\$23.00	\$10.00	\$8.00	\$166.00	
6.01	Obstruction of Streets and Sidewalks	\$50.00	\$12.50	\$23.00	\$10.00	\$8.00	\$103.50	

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Deposit Schedule

Eff. 09/01/05

Code/Section	Offense	Penalty	Penalty Assessment	Court Costs	Jail Assessment	Crime Lab Fee	Req'd Deposit
5.06	Public Employee/Official Receipt of Gifts	\$100.00	\$25.00	\$23.00	\$10.00	\$8.00	\$166.00
5.07(1)	Public Drunkenness	\$100.00	\$25.00	\$23.00	\$10.00	\$8.00	\$166.00
5.07(2)(a)	Underage Alcohol Consumption		Use	State	Uniform	Bond	Schedule
5.07(2)(b)(i)	Sale/Procure/Dispense/Give Alcohol to Underage Persons	\$250.00	\$62.50	\$23.00	\$10.00	\$8.00	\$353.50
5.07(2)(b)(ii)	Sale/Traffic to Underage Persons by Licensee	\$250.00	\$62.50	\$23.00	\$10.00	\$8.00	\$353.50
5.07(2)(b)(iii)	Adult Permits/Failure to Prevent Underage Consumption	\$200.00	\$62.50	\$23.00	\$10.00	\$8.00	\$353.50
5.07(2)(b)(iv)	Adult Encourage/Contribute to Underage Alcohol Violation	\$250.00	\$62.50	\$23.00	\$10.00	\$8.00	\$353.50
5.08	Loud and Unnecessary Noise	\$50.00	\$12.50	\$23.00	\$10.00	\$8.00	\$103.50
5.09	False Alarm-Intentional	\$250.00	\$62.50	\$23.00	\$10.00	\$8.00	\$353.50
5.10	Littering	\$50.00	\$12.50	\$23.00	\$10.00	\$8.00	\$103.50
5.11	Gambling	\$200.00	\$50.00	\$23.00	\$10.00	\$8.00	\$291.00
5.12	Vagrancy and Loitering	\$100.00	\$25.00	\$23.00	\$10.00	\$8.00	\$166.00
5.13(1)	Trespass to Land - § 943.13	\$200.00	\$50.00	\$23.00	\$10.00	\$8.00	\$291.00
5.13(2)	Attempted Theft - § 943.32 (1) and (3)	\$100.00	\$25.00	\$23.00	\$10.00	\$8.00	\$166.00
5.13(3)	Battery - § 943.19(1)	\$150.00	\$37.50	\$23.00	\$10.00	\$8.00	\$228.50
5.13(4)	Negligent Operation of Vehicle - § 941.01(1)	\$100.00	\$25.00	\$23.00	\$10.00	\$8.00	\$166.00
5.13(5)	Carrying a Concealed Weapon - § 941.23	\$300.00	\$75.00	\$23.00	\$10.00	\$8.00	\$416.00
5.13(6)	Criminal Damage to Property - § 943.01(1)	\$200.00	\$50.00	\$23.00	\$10.00	\$8.00	\$291.00
5.13(7)	Criminal Trespass to Dwellings - § 943.14	\$200.00	\$50.00	\$23.00	\$10.00	\$8.00	\$291.00
5.13(8)	Theft of Property - § 943.20	\$200.00	\$50.00	\$23.00	\$10.00	\$8.00	\$291.00
5.13(9)	Fraud on Hotel/Restaurant - § 943.21	\$150.00	\$37.50	\$23.00	\$10.00	\$8.00	\$228.50
5.13(10)	Retail Theft - § 943.50	\$150.00	\$37.50	\$23.00	\$10.00	\$8.00	\$228.50
5.13(11)	Issuance of Worthless Check - § 943.24	\$100.00	\$25.00	\$23.00	\$10.00	\$8.00	\$166.00
5.13(12)	Fraudulent Use of Credit Card - § 943.41	\$100.00	\$25.00	\$23.00	\$10.00	\$8.00	\$166.00
5.13(13)	Resisting an Officer - § 946.41	\$400.00	\$100.00	\$23.00	\$10.00	\$8.00	\$541.00

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Deposit Schedule

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Ordinance Section	Offense	Penalty	Penalty Assessment	Court Costs	Jail Assessment	Crime Lab Fee	Req'd Deposit
5.13(13)	Obstructing an Officer - § 946.41	\$300.00	\$75.00	\$23.00	\$10.00	\$8.00	\$416.00
5.13(14)	Disorderly Conduct - § 947.01	\$150.00	\$37.50	\$23.00	\$10.00	\$8.00	\$228.50
5.13(15)	Unlawful Use of Telephone - § 947.012	\$150.00	\$37.50	\$23.00	\$10.00	\$8.00	\$228.50
5.13(16)	Unlawful Use of Computerized Comm. Systems - § 961.47(38)	\$150.00	\$37.50	\$23.00	\$10.00	\$8.00	\$228.50
5.13(17)	Possession of Marijuana - § 961.01(14)	\$250.00	\$62.50	\$23.00	\$10.00	\$8.00	\$353.50
5.13(18)	Possession of Controlled Substance - § 961.47(38)	\$250.00	\$62.50	\$23.00	\$10.00	\$8.00	\$353.50
5.13(19)	Possession of Drug Paraphernalia (Under 17 yrs) - § 961.577	\$250.00	\$62.50	\$23.00	\$10.00	\$8.00	\$353.50
5.13(20)	Fornication - § 961.47(38)	\$100.00	\$25.00	\$23.00	\$10.00	\$8.00	\$166.00
5.13(21)	Lewd and Lascivious Behavior - § 944.30	\$250.00	\$62.50	\$23.00	\$10.00	\$8.00	\$353.50
5.13(22)	Interference w/ Fire Fighting Equip. - § 941.12	\$250.00	\$62.50	\$23.00	\$10.00	\$8.00	\$353.50
5.13(23)	Aiding and Abetting Offenses Listed in 5.13 - § 800.05	\$100.00	\$25.00	\$23.00	\$10.00	\$8.00	\$166.00
5.14(1)	Curfew Violation	\$50.00	\$12.50	\$23.00	\$10.00	\$8.00	\$103.50
5.14(4)	Curfew -- Parent/Guardian/Adult Responsibility	\$50.00	\$12.50	\$23.00	\$10.00	\$8.00	\$103.50
5.14(5)	Curfew -- Operators of Places of Amusement	\$50.00	\$12.50	\$23.00	\$10.00	\$8.00	\$103.50
6.01	Nuisances	\$250.00	\$62.50	\$23.00	\$10.00	\$8.00	\$353.50
6.03	Nuisances -- Affecting Health	\$250.00	\$62.50	\$23.00	\$10.00	\$8.00	\$353.50
6.04	Nuisances -- Offending Moral/Decency	\$250.00	\$62.50	\$23.00	\$10.00	\$8.00	\$353.50
6.05	Nuisance -- Affecting Peace/Safety	\$250.00	\$62.50	\$23.00	\$10.00	\$8.00	\$353.50
6.08	Privy Vault/Cesspool/Septic Tank Violation	\$100.00	\$25.00	\$23.00	\$10.00	\$8.00	\$166.00
6.07	Dutch Elm Disease	\$50.00	\$12.50	\$23.00	\$10.00	\$8.00	\$103.50
6.10	Unfired Motor Vehicles	\$100.00	\$25.00	\$23.00	\$10.00	\$8.00	\$166.00
Ch. 6	Zoning Code	\$200.00	\$50.00	\$23.00	\$10.00	\$8.00	\$291.00
Ch. 8	Building Code	\$50.00	\$12.50	\$23.00	\$10.00	\$8.00	\$103.50
10	Electrical Code	\$50.00	\$12.50	\$23.00	\$10.00	\$8.00	\$103.50

Chapter 15 - EXHIBIT A
Deposit Schedule

Eff. 09/01/05

Section	Offense	Penalty	Penalty Assessment	Court Costs	Jail Assessment	Crime Lab Fee	Req'd Deposit	
Ch. 11	Plumbing Code	\$50.00	\$12.50	\$23.00	\$10.00	\$8.00	\$103.50	
Ch. 12	Fire Prevention	\$200.00	\$50.00	\$23.00	\$10.00	\$8.00	\$291.00	
13.01(1)(c)	Boating - State Law Violation	Use State Uniform Bond Schedule						
13.01(2)(a)	Boating-Safe Operation Required	\$50.00	\$12.50	\$23.00	\$10.00	\$8.00	\$103.50	
13.01(2)(b)	Boating- Right-of-Way at Docks/Piers/Wharves	\$50.00	\$12.50	\$23.00	\$10.00	\$8.00	\$103.50	
13.01(2)(c)	Boating-Littering/Polluting Prohibited	\$50.00	\$12.50	\$23.00	\$10.00	\$8.00	\$103.50	
13.01(2)(d)	Boating-Continuous Circles Prohibited	\$50.00	\$12.50	\$23.00	\$10.00	\$8.00	\$103.50	
13.02	Boating-Nighttime Lake Speed Limit Violation	\$50.00	\$12.50	\$23.00	\$10.00	\$8.00	\$103.50	
Ch. 17	Surface Drainage Management	\$150.00	\$37.50	\$23.00	\$10.00	\$8.00	\$228.50	
Ch. 18	Shoreland-Wetland Zoning Code	\$50.00	\$12.50	\$23.00	\$10.00	\$8.00	\$103.50	
Ch. 20	Sewer Use and Charges - 1st offense (MIN. FORFEITURE IS \$5,000)	\$5,000.00	\$1,250.00	\$23.00	\$10.00	\$8.00	\$6,291.00	