

Chapter 1

GENERAL PROVISIONS

[HISTORY: Adopted by the Village Board of the Village of Dickeyville as indicated in article histories. Amendments noted where applicable.]

ARTICLE I

Construction and Penalties

[Adopted 1-21-1975 as §§ 13.01, 13.02(1), 13.03, 13.04 and 13.09 of the 1975 Code]

§ 1-1. Rules of construction.

In the construction of this Code of Ordinances, the following rules shall be observed, unless such construction would be inconsistent with the manifest intent of the ordinance:

- A. Wisconsin Statutes. The term "Wisconsin Statutes" wherever used in this Code shall mean the Wisconsin Statutes then in effect. [Amended 4-13-1988]
- B. 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.
- C. Person. The word "person" extends and applies to natural persons, firms, corporations, associations, partnerships or other bodies politic and all entities of any kind capable of being sued, unless plainly inapplicable.
- D. Acts by 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 requisition shall be construed to include all such acts when done by an authorized agent.

§ 1-2. Conflicting 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.

§ 1-3. Documents incorporated by reference.

Whenever in this Code any standard, code, rule, regulation or other written or printed matter, other than the Wisconsin Statutes or other sections of this Code, are adopted by reference, they shall be deemed incorporated in this Code as if fully set forth herein, and the Village Clerk-Treasurer is hereby directed and required to 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-Treasurer's office hours, subject to such orders or regulations which the Clerk-Treasurer may prescribe for their preservation.

§ 1-4. Violations and penalties.

- A. Schedule of Penalties. Any person convicted of violating any of the provisions of the ordinances of the Village of Dickeyville shall be subject to the penalties set forth on the Schedule of Penalties which is made a part hereof. [Amended 8-16-1989; 10-13-1993; 2-11-1998; 10-11-2006¹]

Schedule of Penalties (add all court costs and surcharges to amounts listed)			
Chapter/ Section	Description	First Offense	Second Offense Within 12 Months
Ch. 98, Art. I	Keeping of Animals and Fowl	\$20	\$30
Ch. 98, Art. II	Dogs	\$30	\$50
Ch. 112	Brush, Grass and Weeds	\$50	\$70
Ch. 117	Building Construction		
§ 117-1	Permits required	\$50	\$70
§ 117-2	Building Code	\$50	\$70
§ 117-3	Electrical Code	\$50	\$70
§ 117-4	Plumbing Code	\$50	\$70
§ 117-5	Flammable liquids	\$50	\$70
§ 117-6	Moving buildings	\$30	\$50
Ch. 124	Campgrounds and Trailer Parks	\$50	\$70
Ch. 129	Cigarettes	\$30	\$50
Ch. 135	Curfew	\$50	\$70
Ch. 165	Intoxicating Liquor and Fermented Malt Beverages	Follow State Alcohol Beverages, Harassment and Safety Violations Deposit Schedule	
§ 165-9	Sales of alcoholic beverages to underage persons	\$100	\$150

1. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

§ 165-10	Prohibitions relating to underage persons	\$50	\$100
Ch. 186	Mobile Homes and Mobile Home Parks	\$50	\$70
§ 194-1	Public nuisances prohibited	\$50	\$100
Ch. 207	Peace and Good Order		
§ 207-1A	Discharging and carrying firearms and guns	\$100	\$200
§ 207-1B	Throwing or shooting of arrows, stones or other missiles	\$50	\$100
§ 207-1C	Burning of grass and trash	\$20	\$30
§ 207-1D	Sale and discharge of fireworks	\$50	\$70
§ 207-1E	Obstructing streets and sidewalks	\$50	\$70
§ 207-2	Offenses endangering public peace and good order	\$100	\$150
§ 207-3	Offenses endangering public morals and decency	\$50	\$100
§ 207-4A	Destruction of property	\$50	\$100
§ 207-4B	Littering	\$50	\$100
§ 207-4C	Fraud and theft	\$100	\$150
Ch. 211	Peddlers, Canvassers and Transient Merchants	\$50	\$100
Ch. 227	Sewers and Water		
§§ 227-10 to 227-16	Water system - general provisions	\$50	\$100
§ 227-17	Service pipes	\$50	\$100
§ 227-19	Cross-connection of water system	\$50	\$100
§ 227-20	Use of private wells	\$50	\$100
Ch. 234	Solid Waste	\$50	\$100
Ch. 241	Streets and Sidewalks		
§ 241-3	Sidewalk improvements	\$50	\$100
§ 241-5	Street and sidewalk excavation or openings	\$50	\$100
§ 241-6	Driveways	\$50	\$100
§ 241-7	Obstructions and encroachments	\$50	\$100
Ch. 249	Swimming pools	\$20	\$30
Ch. 256	Tree trimming and sanitation	\$50	\$100

Ch. 265	Vehicles and Traffic		
§ 265-1	State traffic laws adopted	Follow revised Uniform State Traffic Deposit Schedule	
§ 265-2	Speed limits	Follow revised Uniform State Traffic Deposit Schedule	
§ 265-3	Parking limitations	\$15 for all offenses and \$45 if not paid within 48 hours	
§ 265-4	Prohibited U-turns	\$30	\$50
§ 265-5	Vehicular weight limitations	\$40	\$60
§ 265-7	Snowmobiles	Follow revised Uniform State Traffic Deposit Schedule	
§ 265-8	Squealing or spinning of tires	\$40	\$50
§ 265-11	Off-street operation of motorized vehicles	\$30	\$50
Ch. 269	Vehicles, Storage of	\$50	\$100
Ch. 285	Zoning		
§ 285-8	Compliance	\$100	\$200
§ 285-11	Site restrictions	\$100	\$200
§ 285-12	Use restrictions	\$100	\$200
§ 285-13	Reduction or joint use	\$100	\$200

B. General penalty. Whenever it is deemed appropriate by officials of the Village charged with enforcing the ordinances of the Village, whenever it is deemed appropriate by the court or whenever no penalty is provided in the Schedule of Penalties for violation of a particular provision of the Code of Ordinances, the Village may request or the court may impose a penalty which is different from that set forth in the Schedule of Penalties, and the penalty imposed shall be within the range hereinafter set forth:

- (1) First offense. Any person who shall violate any provision of this Code subject to a penalty shall, upon conviction thereof, forfeit not less than \$1 nor more than \$100, 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 said forfeiture and costs are paid, but not exceeding 90 days.
- (2) Second offense. Any person who shall violate any provision of this Code subject to a penalty and who shall previously have been convicted of a

violation of the same provision within one year shall, upon conviction thereof, forfeit not less than \$10 nor more than \$200, together with the costs of prosecution, and in default of payment of such forfeiture and costs shall be imprisoned in the county jail until said forfeiture and costs of prosecution are paid, but not to exceed six months.

- C. 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 and costs. [Amended 4-13-1988]

§ 1-5. Citations.

- A. Violations of ordinances of the Village of Dickeyville shall be enforced by the issuance of a municipal citation.
- B. 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 that:
 - (a) A cash deposit based upon the deposit schedule established by the Village Board as part of this section may be made and which, if made, shall be delivered or mailed to the Clerk of the Circuit Court for Grant County, Wisconsin, at the Courthouse in the City of Lancaster, Wisconsin, prior to the time of the scheduled court appearance.
 - (b) If a deposit is made no appearance in court is necessary unless he or she is subsequently summoned.
 - (c) If a cash deposit is made and the alleged violator does not appear in court, he or she 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 or her to appear in court to answer the complaint.
 - (d) 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 or the alleged violator may be found in default and judgment may be rendered against him or her for the amount of the forfeiture set forth.

- (e) 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 § 800.093, Wis. Stats.²
- (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 B(7) above has been read. Such statement shall be sent or brought with the cash deposit.
- (9) Such other information as the Village deems necessary.
- C. The Village Board hereby adopts for use the Wisconsin Uniform Municipal Citation, Form MOS 1, consisting of a three-part citation.³
- D. There is hereby adopted by reference as though fully set forth herein a schedule of deposits for use with citations issued under this section. Such schedule shall be as adopted by the Village Board from time to time and shall be on file in the office of the Chief of Police and in the office of the Village Clerk-Treasurer.⁴
- E. The following persons are hereby authorized to issue citations under this section: any law enforcement officer employed by the Village of Dickeyville.
- F. Section 66.0113(3), Wis. Stats., is hereby adopted and incorporated herein by reference.
- G. This section does not preclude the Village Board from adopting any other ordinance or providing for the enforcement of any law or ordinance relating to the same or other matter. The issuance of a citation hereunder shall not preclude the Village of Dickeyville or any authorized officer thereof from proceeding under any other ordinance or law or by any other enforcement method to enforce any ordinance, regulation or order. [Amended 11-9-1988]

ARTICLE II Adoption of Code

[An ordinance to adopt the Code of the Village of Dickeyville will be proposed before the Village Board. Upon final adoption, this ordinance will be included here

2. Editor's Note: Added at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

3. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

4. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

as Article II of this chapter.]