

CHAPTER 20

GENERAL PROVISIONS

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GENERAL PROVISIONS

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 ordinances:

(1) **WISCONSIN STATUTES** (Am. Ord. #108) (revoke & reconst. Ord. #146) The term "Wisconsin Statutes" or "Wis. Stats.", wherever used in this Code, shall mean the Wisconsin Statutes for the most recent year available, the term shall include session laws of the current Legislature not yet printed in statute form. To insure uniformity, future amendments and changes in the provisions of any Wisconsin Statutes adopted by reference in the Code are also hereby adopted by reference.

(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 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.

(4) **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.

20.02 CONFLICT AND SEPARABILITY.

(1) **CONFLICT OF CODE 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 Village President and the Village Board of the Village of Belmont hereby declare 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 thereof may be declared invalid or unconstitutional.

2.03 CLERK-TREASURER TO FILE DOCUMENTS INCORPORATED BY REFERENCE. Whenever in this Code any standard, code, rule, regulation or other written or printed matter, other than the Wisconsin Statutes of 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 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.

20.04 PENALTY PROVISIONS.

(1) GENERAL PENALTY. Except as provided in Subsection (2) of this section, any person who violates any provision of this Code or any order, rule or regulation made pursuant to this Code shall be subject to the penalty set forth in the VILLAGE OF BELMONT SCHEDULE OF PENALTIES which is part of this Code, provided, however, that a different penalty or amount may be imposed as the Court or Village shall deem appropriate, subject to the limits in Subsections (a) and (b).

(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 \$5.00 nor more than \$100.00, 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 until said forfeiture and costs are paid, but not exceeding 90 days.

(b) SECOND AND SUBSEQUENT OFFENSES, 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 \$10.00 nor more than \$200.00 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 until said forfeiture and costs of prosecution are paid, but not to exceed 6 months.

(2) PENALTY FOR MINORS. In the event proceedings are commenced against children aged 16 or older for violations of chapter 7 of this Code, or children 14 years of age or older for other violations of this Code except chapter 7, the provisions of Secs. 48.17(2), 48.237, 48.37, 48.343 and 48.344, Wis. Stats., shall be applicable.

(3) 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.

(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 and costs.

(5) OTHER REMEDIES PRESERVED. In addition to the penalties set forth in this section and the other various penalty sections in this code, all rights and remedies and causes of action created or provided by law shall be available to those to whom they are accorded by law for the violation of any provision of this Code.

GENERAL PROVISIONS

(6) SCHEDULE OF PENALTIES. (Rev. & Recons. Ord. 164)

	<u>First Offense</u>	<u>Second Offense</u>
CHAPTER 5		
5.09 Arrests, persons called to assist	\$209.50	\$270.50
5.10 Interfering with or resisting police officers	\$209.50	\$270.50
CHAPTER 6		
6.05 False alarms	\$147.50	\$270.50
6.11 Duty of bystander	\$147.50	\$209.50
6.12 Damage to equipment and interference	\$209.50	
6.13 Driving over fire hose prohibited	\$147.50	\$209.50
6.14 Combustible material prohibited	\$147.50	\$209.50
6.15 Careless smoking prohibited	\$147.50	\$209.00
6.16 Gasoline, Benzine, Naphtha, etc.	\$147.50	\$209.50
6.17 Dynamite	\$209.50	\$270.50
CHAPTER 7		
7.01 State traffic laws adopted	Follow current revised uniform state traffic schedule.	
7.02 Official traffic map and control devices, prohibited signs, signals and markers	Follow current revised uniform state traffic schedule.	
7.02(3) Prohibited signs and markers in highways	\$122.90	\$147.50
7.03 Speed limits	Follow current revised uniform traffic deposit schedule.	
7.04(4) Operators to obey traffic control devices	Follow current revised uniform traffic deposit schedule.	
7.05(2) Restrictions on use of other streets by heavy traffic	\$122.90	\$147.50
7.05(3) Restriction on use of bridges by heavy traffic	\$122.90	\$147.50
7.06 Parking regulations	\$20.00	\$50.00
7.07 Abandoned Vehicles	\$122.90	\$147.50
7.08 Accident reports	Follow current revised state traffic deposit schedule.	

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7.09	Display of power prohibited	\$147.50	\$209.50
7.10	Parking during snowstorm emergency	\$20.00	\$50.00
7.11	Traffic and parking regulations on school district grounds	\$20.00	\$50.00

7.12	Snowmobiles and other off-highway vehicles	Follow current revised state traffic deposit schedule.	
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7.16	Compressed Air Brake Violation (Jake Brake)	\$122.90	\$122.90
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CHAPTER 8

8.01	Street and sidewalk grades	\$122.90	\$147.50
8.02	Street and sidewalk excavations and openings	\$122.90	\$147.50
8.03	Obstructions and encroachments	\$122.90	\$147.50
8.04	Snow and ice removal	\$122.90	\$147.50
8.05	Sale or display of merchandise prohibited	\$122.90	\$147.50

CHAPTER 9

9.01	Intoxicating liquor and fermented malt beverages	Follow alcohol beverages, harassment, and safety violations deposit schedule.	
9.02	Cigarette retailer license	\$122.90	\$147.50
9.05	Regulation and licensing of direct Sellers, transient merchant and solicitors	\$122.90	\$147.50
9.06	Junk Dealers	\$147.50	\$209.50
9.08	Mobile homes and mobile home parks	\$147.50	\$209.50
9.09	Regulation and licensing of dogs	\$122.90	\$147.50
9.10	Regulation and licensing of bicycles	\$122.90	\$147.50

CHAPTER 10

10.01	Belmont light and water utility	\$122.90	\$147.50
10.02	Belmont sewer utility	\$122.90	\$147.50

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CHAPTER 11

11.01 Offenses against state laws subject to forfeiture:

11.940.19(1)	Battery	\$209.50
11.940.20	Battery: Special Circumstances	\$209.50
11.940.34	Duty to aid endangered crime victim	\$209.50
11.941.01	Negligent operation of a motor vehicle	\$209.50
11.941.03	Highway Obstruction	\$209.50
11.941.10	Negligent Handling of Burning materials	\$209.50
11.941.12	Interfering with fire fighting	\$209.50
11.941.13	False Alarms	\$209.50
11.941.20	Reckless use of weapons	\$209.50
11.941.21	Disarming a Police Officer Prohibited	\$209.50
11.941.23	Carrying Concealed Weapon	\$209.50
11.941.24	Possession of Switch Blade Knife	\$209.50
11.941.37	Obstructing Emergency Vehicles	\$209.50
11.943.01(1)	Criminal Damage to property	\$209.50
11.943.06	Molotov Cocktails	\$209.50
11.943.13	Criminal Trespass to land	\$209.50
11.943.14	Criminal Trespass to dwellings	\$209.50
11.943.20	Theft	\$209.50
11.943.21	Fraud on Hotel or Restaurant keeper	\$209.50
11.943.50	Shoplifting	\$209.50
11.944.20	Lewd and lascivious behavior	\$209.50
11.944.21	Lewd, obscene, or indecent matter, pictures and performances	\$209.50
11.944.23	Making lewd, obscene or indecent drawings	\$209.50
11.944.30	Prostitution	\$209.50
11.944.31	Patronizing prostitutes	\$209.50
11.944.33	Pandering	\$209.50
11.944.34	Keeping place of prostitution	\$209.50
11.945.02	Gambling	\$209.50
11.945.03	Commercial Gambling	\$209.50

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11.945.04	Permitting Premises to be used for commercial gambling	\$209.50
11.946.40	Refusing to Aid Officer	\$209.50
11.946.41	Resisting or obstructing officer	\$209.50
11.946.42	Escape	\$209.50
11.946.44	Assisting or permitting escape	\$209.50
11.946.65	Obstructing justice	\$209.50
11.946.70	Personating Peace Officer	\$209.50
11.946.72	Tampering with Public records and notices	\$209.50
11.947.01	Disorderly Conduct	\$209.50
11.947.015	Bomb Scares	\$209.50
11.947.031	Harassment Prohibited	\$209.50

11.02 Offenses endangering public safety:

(1)	Burning of trash restricted	\$122.90	\$147.50
(2)(a)	Discharge of firearms prohibited	\$147.50	\$209.50
(2)(b)	Possession of firearm prohibited	\$147.50	\$209.50
(3)	Throwing or shooting of arrows, stones and other missiles	\$147.50	\$209.50
(4)	Sales and use of fireworks regulated	\$122.90	\$147.50

11.03 Offenses endangering public peace and good order:

(2)(e)	Possession of intoxicants in public places	\$147.50	\$209.50
(3)	Disorderly conduct with motor vehicle	\$147.50	\$209.50
(4)	Loud and unnecessary noises	\$147.50	\$209.50
(5)	Marijuana possession and use	\$209.50	
(8)	Interference with radio and	\$147.50	\$209.50
(9)	Loudspeakers	\$147.50	\$209.50
(10)	Park Closing hours	\$122.90	\$147.50

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11.05 Offenses endangering public and private property:

(1)(a)	Destruction of property	\$209.50	
(2)	Littering	\$147.50	\$209.50
(3)	Theft of cable television and telecommunications services	\$147.50	\$209.50
(4)	Issue of worthless check	\$147.50	\$209.50

CHAPTER 12

12.01	Public nuisances prohibited	\$147.50	\$209.50
12.05	Junked automobiles	\$147.50	\$209.50
12.06	Trees and shrubs	\$147.50	\$209.50
12.08	Private well abandonment	\$147.50	\$209.50

CHAPTER 14

14.06	Building nuisances prohibited	\$147.50	\$209.50
14.07	Compliance with regulations required	\$147.50	\$209.50
14.08	Location on lot required	\$122.90	\$147.50
14.09	Loading space required for lots abutting alleys	\$122.90	\$147.50
14.10	Public gathering places parking	\$147.50	\$209.50
14.11	Yard requirements where different districts abut	\$147.50	\$209.50
14.16	Signs	\$122.90	\$147.50
14.17	Traffic, parking and access	\$122.90	\$147.50

CHAPTER 15

15.04	Compliance	\$147.50	\$209.50
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CHAPTER 16

16.14	Enforcement and penalties	\$147.50	\$209.50
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CHAPTER 18

18.11	Mandatory Recycling	\$122.90	\$147.50
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CHAPTER 22

22.05	Basic Equipment and Facilities	\$50.00	\$100.00
22.06	Light, Heating and Ventilating	\$50.00	\$100.00
22.07	Maintenance and Sanitation	\$50.00	\$100.00
22.08	Minimum Space, Use and Location Requirements.	\$50.00	\$100.00
22.09	Water-Heating Facilities; Electrical Outlets; Screening	\$50.00	\$100.00
22.10	Property Maintenance	\$50.00	\$100.00
22.11	Responsibilities of Owners and Occupants	\$50.00	\$100.00

*Excludes court costs and fees; each day of violation is a separate offense

20.05 REPEAL OF GENERAL ORDINANCES. All ordinances heretofore adopted by the Village Board of the Village of Belmont 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:

The issuance of corporate bonds and notes of the Village of Belmont of whatever name or description.

The estimate of grades, curb lines and widths of sidewalks in the public street and alleys.

The fixing of salaries of public officials and employees.

Rights, licenses or franchises or the creation of any contract with the Village of Belmont.

The lighting of streets and alleys.

The annexation of territory to the Village of Belmont.

The naming and changing of names of streets, alleys, public grounds and parks.

The letting of contracts without bids.

Tax and special assessment levies.

Release of persons, firms or corporations from liability.

Construction of any public works.

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

Budget ordinances, resolutions and actions.

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20.06 EFFECT OF REPEALS. The repeal or amendment of any section or provision of this Code or of any other ordinance or resolution of the Village 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 judgement 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 aforesaid 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, and shall be, in all respects, subject to the provisions of this Code.

20.07 TITLE: EFFECTIVE DATE: CITATION. These ordinances shall be known as the "Municipal Code of Belmont, Wisconsin" and shall take effect from and after passage and publication as provided in Sec. 66.035, Wis. Stats. All references thereto shall be cited by section number (example: Sec. 8.04(1), Municipal Code of Belmont, Wisconsin).

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