

## **Chapter 20 – 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 ordinance:

**Wisconsin Statutes.** The terms "Wisconsin Statutes" or "Wis. Stat." whenever used in this code shall mean the Wisconsin Statutes for the year 1993-94 and all later amendments and modifications thereof.

**Gender: Singular and Plural.** Every word in this code and in any ordinance using the masculine or feminine gender may extend and be applied to other or neuter gender as well, 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 and every word importing a plural number may extend and be applied to one person or thing; provided that these rules of construction shall not be applied to any provision which shall contain any express language excluding such construction or when the subject matter or context of such provisions may be repugnant thereto.

**Person.** The word "person" extends and applies to natural persons firms, corporations, limited liability companies, associations, partnerships or bodies corporate or politic and all entities of any kind capable of being sued unless plainly inapplicable.

**Acts by Agents.** When a provision requires an act to be done which may be law as well be done by any agent as by the principal, such provision shall be construed to include all such acts when done by an authorized agent.

**Tense.** Words used in the present tense include the future.

**Mandatory Use of Word "Shall".** The word "shall" is mandatory and not directive.

**Classes of Notices.** Classes 1, 2 and 3 Notices require 1, 2 or 3 weekly insertions as defined in Wis. Stat. ss 985.01(1).

### **20.02 CONFLICT AND SEPARABILITY.**

**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.

**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 Town Board hereby declares that it 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, subsections, clauses, phrases or portions thereof 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, 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 Town Clerk is hereby directed and required to 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. Materials so filed, deposited and kept shall be public records open for examination with proper care at all reasonable times, subject to such order or regulations which the Clerk may prescribe for their provisions.

**20.04 PENALTY PROVISIONS.**

<b>Ordinance</b>	<b>Penalty</b>	<b>Details</b>	<b>Last Revised</b>
<b>Ch. 2.15 Building Code</b>	Not less than \$25 nor more than \$1000.00 per day, together with the costs of prosecution.	The building inspector may serve a notice of violation and order for correction on any person responsible for work performed on any property subject to this ordinance. Violations discovered by the building inspector shall be corrected within 30 days, or more if allowed by the building inspector, after written notice is given.	<b>12/09/19</b>
<b>Ch. 4.10 Driveway Permit Ordinance</b>	Forfeiture equal to two (2) times the fee charged for the permit application plus applicable assessments and fees.  Additionally, corrections ordered by the board shall be made.	Each day a violation exists or continues constitutes a separate offense under this ordinance. In addition, the Town Board may seek injunctive relief from a court of record to enjoin further violations and require compliance with this ordinance.	<b>10/10/16</b>
<b>Ch. 5 Mandatory Recycling</b>	Fifty (50) dollars for a first violation. Two hundred dollars for a second violation and not more than two hundred plus a loss of transfer site permit for (1) year from date of violation for a third or subsequent violation.	Any person who violates a provision of this ordinance, except ss 5.15, may be required to forfeit not less than 10 dollars nor more than \$1000 for each violation plus loss of transfer site permit for one (1) year from date of violation.	<b>10/10/16</b>

<p><b>Special or Seasonal Weight Limits</b></p>	<p>The forfeiture for a first violation of any provision of this ordinance shall be five hundred (500) dollars. The forfeiture for a second or subsequent offense shall be one thousand (1000).</p>	<p>Notwithstanding the forgoing, the total forfeiture shall not exceed the total forfeiture for equally overweight vehicle, with the same history of convictions, as calculated under the formulas included in Wis. Stat 348.21.</p>	<p><b>10/10/16</b></p>
<p><b>Non Metallic Mining</b></p>	<p>Any violation of this ordinance shall be punishable by a forfeiture of not less than \$100 nor more than \$2000 per day for every day in violation of this ordinance, plus the costs of prosecution for each and every violation.</p>	<p>The Town’s attorney shall expeditiously prosecute all such violators. Each day of violation shall constitute a separate offense.</p>	<p><b>10/10/16</b></p>
<p><b>Regulating Blasting within the Town of Vermont</b></p>	<p>Any person who violates any provision of this ordinance shall be subject to forfeiture in an amount not less than \$1000 nor more than \$10,000 for each day of continued violation, plus the Town’s legal costs, including but not limited to the cost of prosecution</p>		<p><b>10/10/16</b></p>
<p><b>Agricultural Commercial Vehicles and Implements of Husbandry</b></p>	<p>See details</p>	<p>If weight exceeds by 1,000 pounds or less – forfeiture of not less than \$50 and not more than \$100 upon first conviction and upon the 2nd and each subsequent conviction within a 12-month period, a forfeiture of not less than \$100 nor more than \$200.</p> <p>If weight exceeds by more than 1,000 pounds:</p> <p>For the first conviction, a forfeiture of not less than \$50 nor more than \$200 plus an amount equal to whichever of the following applies:</p> <ul style="list-style-type: none"> <li>● One cent for each pound of total excess load when the total excess is not over 2,000 pounds.</li> <li>● Three cents for each pound of total excess load if the excess is over 2,000 pounds and not over 3,000 pounds.</li> <li>● Five cents for each pound of total excess</li> </ul>	<p><b>10/10/16</b></p>

		<p>load if the excess is over 3,000 pounds and not over 4,000 pounds.</p> <ul style="list-style-type: none"> <li>● Eight cents for each pound of total excess load if the excess is over 4,000 pounds and not over 5,000 pounds.</li> <li>● Fifteen cents for each pound of total excess load if the excess is over 5,000 pounds.</li> </ul> <p>For the 2nd conviction and each subsequent conviction within a 12-month period, a forfeiture of not less than \$100 nor more than \$300, plus an amount equal to whichever of the following applies:</p> <ul style="list-style-type: none"> <li>● Two cents for each pound of total excess load when the total excess is not over 2,000 pounds.</li> <li>● Five cents for each pound of total excess load if the excess is over 2,000 pounds and not over 3,000 pounds.</li> <li>● Eight cents for each pound of total excess load if the excess is over 4,000 pounds and not over 5,000 pounds.</li> <li>● Fifteen cents for each pound of total excess load if the excess is over 5,000.</li> <li>● Eighteen cents for each pound of total excess load if the excess is over 5,000.</li> </ul>	
<b>Damage to/or Materials Deposited on Roadway</b>	Daily penalty between \$50-\$5,000 based on the severity of the violation.		<b>10/10/16</b>

**General Penalty.** Where not otherwise specifically provided in this code, 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:

*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 Fifty Dollars (\$50) nor more than Five Thousand Dollars (\$5,000), together with the costs of prosecution, and applicable penalty assessments, fees and surcharges and in default of payment of such forfeiture and costs of prosecution shall be imprisoned in the County jail until said forfeiture, costs, assessments, fees and surcharges are paid, but not exceeding ninety (90) days.

*Second Offense-Penalty.* Any person found guilty of violating any section of this code who shall previously have been convicted of a violation of the same ordinance within the previous twelve

(12) months shall upon conviction thereof, forfeit not less than One Hundred Dollars (\$100) nor more than Ten Thousand Dollars (\$10,000) for each such offense together with the costs of prosecution and applicable penalty assessments, fees and surcharges and in default of payment of such forfeiture costs and shall be imprisoned in the County jail until said forfeiture, costs, assessments, fees and surcharges or prosecution are paid, but not to exceed ninety (90) day.

**Execution Against Defendant’s Property.** Whenever any person fails to pay any forfeiture, costs of prosecution and applicable penalty assessments, fees and surcharges upon the order of the court for violation of any ordinance of the Town, 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, assessment, fees and surcharges.

**Town Jurisdiction Over Children.**

*Provisions of Ordinance Applicable to Persons 14 Through 17 Years of Age.* Subject any applicable statutory provisions and limitations complaints alleging a violation of any provision of this Code or Ordinances against persons fourteen (14) through seventeen (17) years of age may be brought on behalf of the Town and may be prosecuted utilizing the same procedures in such cases as are applicable to adults charged with the same offense.

**No Incarceration as Penalty.** The Court shall not impose incarceration as a penalty for any person convicted of an offense prosecuted under a Town Ordinance.

**20.05 ISSUANCE AND SERVICE OF CITATIONS**

1. Citations for violation of any Town of Vermont ordinance may be issued and served by the Town Chairman.
2. The Town Chairman may designate any person, including but not limited to the Town Clerk, Town Patrolman, Town Building Inspector, or any State or County Officer or Official, the authority to issue and serve such citations on a case-by-case basis.
3. In the absence of the Town Chairman, the Town Board may, by verbal majority, designate any person, including but not limited to the Town Clerk, Town Patrolman, Town Building Inspector, or any State or County Officer or Official, the authority to issue and serve such citations on a case-by case basis.
4. At the discretion of the Town Chairman or, in his or her absence, a verbal majority of the Town Board, a written warning may be issued and served in lieu of a citation. 5. In the event that a written warning is issued and served in lieu of a citation, a second or subsequent violation of the same ordinance shall result in the mandatory issuance of a citation.

**20.06 FEE PROVISIONS**

<b>Ordinance/ Category</b>	<b>Fee</b>	<b>Last Revised</b>
<b>Building Code</b>	Separate fee schedule available here.	<b>12/09/19</b>

<p><b>Driveway Permit Ordinance</b></p>	<p>New driveways 200 feet or less: \$450  New driveways 201 feet &amp; longer: \$650</p> <p>Fee for each additional driveway application: \$225 submitted at the same time</p> <p>Improvement fee for all driveways: \$100  Driveway permit fee includes first inspection.  Second driveway inspection - \$100 plus \$25 for each additional driveway application submitted at the same time</p>	<p><b>12/09/19</b></p>
<p><b>Short-Term Amusement &amp; Recreation Events</b></p>	<p>100-250 projected registered participants - \$225 251-500 projected registered participants - \$325 501-1000 projected registered participants - \$425  Over 1000 projected registered participants - \$525</p>	<p><b>10/10/16</b></p>
<p><b>Plan Commission Site Visit</b></p>	<p>If a site visit is required, first site visit - \$350, plus \$50 for each additional application.  Second site visit - \$250 plus \$25 for each additional application</p> <p>Plan Commission site visits may be required for land divisions, zoning changes, driveway applications, Conditional Use Permit Applications or other land use proposals.</p>	<p><b>11/11/24</b></p>
<p><b>Regulating Blasting within the Town of Vermont</b></p>	<p>A short-term permit may be issued for a single blasting event and shall be valid for 14 days from the effective date of the permit. The non-refundable fee for a temporary permit*need to determine fee - \$100* shall be as determined by the Town Board. No renewal of short-term permit will be granted within a calendar year.</p> <p>A regular permit is required if blasting exceeds 14 days. All provisions of this ordinance apply. A regular permit shall be granted for a period of no more than 180 days. The non refundable fee*need to determine fee -\$500* for a 180 day permit shall be as determined by the Town Board.</p>	<p><b>10/10/16</b></p>
<p><b>Mobile Tower Siting Permit Ordinance</b></p>	<p>\$450, plus any direct costs to the Town of Vermont in application or plan reviews</p>	<p><b>10/10/16</b></p>
<p><b>Fermented Malt Beverage and Intoxicating Liquor License</b></p>	<ul style="list-style-type: none"> <li>● Operator’s License - \$50 Class B Beer - \$100</li> <li>● Class B Liquor - \$300</li> <li>● Temporary Class B Beer - \$10</li> <li>● Temporary Class B Wine - \$10</li> </ul>	<p><b>11/11/24</b></p>

<b>Public Records Access</b>	Reference Wisconsin State Statute 19.35 Access to Records; Fees	<b>10/10/16</b>
<b>Dog Licenses</b>	<ul style="list-style-type: none"> <li>● Neutered male or spayed female – State and county fee plus \$1.25 handling fee</li> <li>● Unneutered male or unspayed female - State and county fee plus \$2.25 handling fee</li> </ul>	<b>12/09/19</b>
<b>Short-Term Rental Application</b>	<ul style="list-style-type: none"> <li>● New Application fee - \$50</li> <li>● Renewal Application fee - \$25</li> </ul>	<b>04/11/22</b>

**20.07 REPEAL OF GENERAL ORDINANCES .**

All ordinances adopted by the Town Board prior to the adoption of this Code of Ordinances, were 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 bonds, notes or other evidences of indebtedness of the Town of whatever name or description.
- The fixing of salaries of Town officials and employees.
- Rights, licenses or franchises or the creation of any contract with the Town.
- The naming or changing of names or widths of Town roads. The letting of contracts without bids.
- Tax and special assessment levies.
- Release of persons, firms or corporations from liability.
- Construction of any public works, including roads, public buildings, drains or sewer and water facilities or mains.
- Alterations, discontinuances or laying out of Town roads or right of ways.
- Establishing fees for licenses and permits.
- Budget ordinances, resolutions and actions.

**20.08 EFFECT OF REPEALS.** The repeal or amendment of any section or provision of this code or of any other ordinance or resolution of the Town Board shall not:

By implication be deemed to revive any ordinances not in force or existing at the time at which such repeal or amendment takes effect.

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 Town.

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.

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 ordinance, and such prosecution shall proceed in all aspects, 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.

**20.09 TITLE: EFFECTIVE DATE: CITATION.** These ordinances shall be known as the "Municipal Code of the Town of Vermont" and shall take effect from and after passage and posting of an ordinance of reference in accordance with Wis. Stat. ss 66.035. All references thereto shall be cited by section number (example: s. 9.06, Municipal Code of the Town of Vermont).

**20.10 STYLE OF ORDINANCES: ADDITIONS, AMENDMENTS AND REPEALS.** All general ordinances hereafter enacted by the Town Board shall be numbered in chronological order, prefixed by the letter "A" and shall indicate by appropriate decimal number the section, subsection or paragraph of this code created, amended, repealed or revised.

**20.11 CLERK TO FILE ORDINANCES: SUPPLEMENTAL SHEETS.** The Town Clerk shall certify one copy of this code as the original Municipal Code of the Town of Vermont and shall file the same as part of the official Town ordinance book. Such copy shall be retained in its original form. In addition, the Clerk shall retain in his or her office at least one copy of the Municipal Code of the Town of Vermont in current form in which shall be inserted all supplemental sheets as hereinafter provided.

Whenever any ordinance amending, repealing, revising or creating any section of this code is adopted by the Town Board, the Clerk, shall make no substantive changes to such ordinances or resolutions but may renumber, rearrange and edit them without first submitting them to the Town Board; and such rearranging, renumbering and editing shall not affect the validity of such ordinances or resolutions or the provisions of the Code affected thereby. After recording such ordinance in the ordinance book, the Clerk shall cause copies of such ordinance to be reproduced on supplemental sheets in proper form for insertion in the municipal code and shall insert such ordinances in all copies of this code in his possession except the aforementioned original copy. The Clerk shall make supplemental sheets available at cost to all persons requesting the same.