

TITLE 1

General Provisions

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Title 1 ► Chapter 1

Use and Construction

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Sec. 1-1-1 Title of Code; Citation.

These collected Ordinances shall be known and referred to as the "Code of Ordinances, Village of Hatley, Wisconsin." References to the Code of Ordinances, Village of Hatley, Wisconsin, shall be cited as follows (sample): "Section 2-1-1, Code of Ordinances, Village of Hatley, Wisconsin."

Sec. 1-1-2 Principles of Construction.

The following rules or meanings shall be applied in the construction and interpretation of ordinances codified in this Code of Ordinances unless such application would be clearly inconsistent with the plain meaning or intent of the ordinances:

- (a) **Acts by Agents.** When an ordinance requires an act be done by a person which may be legally performed by an authorized agent of that principal person, the requirement shall be construed to include all acts performed by such agents.
- (b) **Code and Code of Ordinances.** The words, "Codes," "Code of Ordinances" and "Municipal Code" when used in any section of this Code shall refer to this Code of Ordinances of the Village of Hatley unless the context of the section clearly indicates otherwise.
- (c) **Computation of Time.** In computing any period of time prescribed or allowed by these Ordinances, the day of the act or event from which the period of time begins to run shall not be included, but the last day of the period shall be included, unless it is a Saturday, a

Sunday or a legal holiday. If the period of time prescribed or allowed is less than seven (7) days, Saturdays, Sundays and legal holidays shall be excluded in the computation. As used in this Section, "legal holiday" means any statewide legal holiday specified by state law.

- (d) **Fine.** The term "fine" shall be the equivalent of the word "forfeiture," and vice versa.
- (e) **Gender.** Use has been made of masculine pronouns in these Ordinances solely for the sake of brevity. Unless specifically stated to the contrary, this Code of Ordinances is gender neutral and words in these Ordinances referring to the masculine gender shall also be construed to apply to females, and vice versa.
- (f) **General Rule.** All words, phrases and ordinances shall be construed according to their plain meaning in common usage and shall be liberally construed in favor of the Municipality. However, words or phrases with a technical or special meaning shall be understood and construed according to that technical or special meaning if such is the intent of the Ordinances. Unless specifically defined below, words and phrases used in this Code of Ordinances shall have the same meaning as they have at common law and to give this Code of Ordinances its most reasonable application. Words used in the present tense include the future, the singular number includes the plural and the plural number includes the singular. The word "may" is permissive; "shall" is mandatory and not discretionary.
- (g) **Joint Authority.** All words purporting to give a joint authority to three (3) or more Village officers or employees shall be construed as giving such authority to a majority of such officers or other persons.
- (h) **Officers.** The term "officers" shall refer solely to local offices created by state statute.
- (i) **Officials.** The term "officials" shall mean all Village officers and employees.
- (j) **Person.** The word "person" shall mean any of the following entities: natural persons, corporations, partnerships, associations, limited liability companies, firms, bodies politic, joint venture, joint stock company, association, public or private corporation, the United States, the State of Wisconsin, including any unit or division thereof, any county, city, village, town, municipal utility, municipal power district or other governmental unit, cooperative, estate, trust, receiver, executor, administrator, any other fiduciary, any representative appointed by order of any court or otherwise acting on behalf of others, or any other entity of any kind which is capable of being sued (includes singular as well as plural).
- (k) **Repeal.** When any ordinance having the effect of repealing a prior ordinance is itself repealed, such repeal shall not be construed to revive the prior ordinance or any part thereof, unless expressly so provided.
- (l) **Singular and Plural.** Every word in these Ordinances referring to the singular number only shall also be construed to apply to several persons or things, and every word in these Ordinances referring to a plural number shall also be construed to apply to one (1) person or thing.
- (m) **Tense.** The use of any verb in the present tense shall not preclude the interpretation of the verb in the future tense where appropriate.

- (n) **Village.** The term "Village" shall mean the Village of Hatley, Marathon County, Wisconsin.
- (o) **Wisconsin Statutes.** The term "Wisconsin Statutes" and its abbreviation as "Wis. Stats." shall mean, in this Code of Ordinances, the Wisconsin Statutes 2009-2010 edition, as amended from time to time; future amendments shall be incorporated herein.
- (p) **Wisconsin Administrative Code.** The term "Wisconsin Administrative Code" and its abbreviation as "Wis. Adm. Code" shall mean the Wisconsin Administrative Code as of the adoption of this Code of Ordinances, as amended or renumbered from time to time.

Sec. 1-1-3 Conflict of Provisions.

- (a) In their interpretation and application, the provisions of this Code of Ordinances shall be held to be minimum requirements, and shall be liberally construed in favor of the Village and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes.
- (b) If the provisions of different chapters conflict with each other, the provisions of each individual chapter shall control all issues arising out of the events and persons intended to be governed by that chapter.
- (c) If the provisions of different sections of the same chapter conflict with each other, the provision which is more specific in its application to the events or persons raising the conflict shall control over the more general provision.

Sec. 1-1-4 Separability of Provisions.

If any provision of this Code of Ordinances 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 provisions of these Ordinances.

Sec. 1-1-5 Effective Date of Ordinances.

- (a) **Code.** The Code of Ordinances, Village of Hatley, Wisconsin shall take effect as provided by state law.
- (b) **Subsequent Ordinances.** All Ordinances passed by the Village Board subsequent to the adoption of the Code of Ordinances, except when otherwise specifically provided, shall take effect from and after their publication.

State Law Reference: Code of Ordinances, Sec. 66.0103, Wis. Stats.

Sec. 1-1-6 General Penalty.

- (a) **General Penalty.** Except where a penalty is provided elsewhere in this Code of Ordinances, any person who shall violate any of the provisions of this Code of Ordinances shall upon conviction of such violation, be subject to a penalty, which shall be as follows:
- (1) **First Offense — Penalty.** Any person who shall violate any provision of this Code of Ordinances shall, upon conviction thereof, forfeit not less than Twenty-five Dollars (\$25.00) nor more than Five Hundred Dollars (\$500.00), together with the costs of prosecution and, in default of payment of such forfeiture and costs of prosecution, shall be imprisoned in the Marathon County Jail until such forfeiture and costs are paid, but not exceeding ninety (90) days.
 - (2) **Second Offense — Penalty.** Any person found guilty of violating any ordinance or part of an ordinance of this Code of Ordinances who shall previously have been convicted of a violation of the same ordinance within one year shall upon conviction thereof, forfeit not less than Fifty Dollars (\$50.00) nor more than One Thousand Dollars (\$1,000.00) for each such offense, together with costs of prosecution and in default of payment of such forfeiture and costs shall be imprisoned in the Marathon County Jail until such forfeiture and costs of prosecution are paid, but not exceeding six (6) months.
- (b) **Continued Violations.** Each violation and each day a violation continues or occurs shall constitute a separate offense. Nothing in this Code of Ordinances shall preclude the Village from maintaining any appropriate action to prevent or remove a violation of any provision of this Code of Ordinances.
- (c) **Other Remedies.** The Village shall have any and all other remedies afforded by the Wisconsin Statutes in addition to the forfeitures and costs of prosecution above.

State Law Reference: Sec. 66.0109, Wis. Stats.

Sec. 1-1-7 Village Clerk to Maintain Copies of Documents Incorporated by Reference.

Whenever any standard code, rule, regulation, statute or other written or printed matter is adopted by reference, it shall be deemed incorporated in this Code of Ordinances as if fully set forth herein and the Village Clerk shall maintain in his/her office a copy of any such material as adopted and as amended from time to time. Materials on file at the Village Clerk's office shall be considered public records open to reasonable examination by any person during the office hours of the Village Clerk subject to such restrictions on examination as the Clerk imposes for the preservation of the material.

Title 1 ► Chapter 2

Use of Citation

1-2-1	Authorization for Use of Citation
1-2-2	Officials Authorized to Issue Citation
1-2-3	Form of Citation
1-2-4	Schedule of Deposits
1-2-5	Receipt of Deposits
1-2-6	Procedure
1-2-7	Nonexclusivity of Chapter

Sec. 1-2-1 Authorization for Use of Citation.

The Village of Hatley hereby elects to use the citation method of enforcement of ordinances. All Village officers and other Village personnel charged with responsibility of enforcing the provisions of this Code of Ordinances are hereby authorized pursuant to Sec. 66.0113, Wis. Stats., to issue citations for violations of this Code of Ordinances, including ordinances for which a statutory counterpart exists.

Sec. 1-2-2 Officials Authorized to Issue Citation.

In addition to citation issuance by law enforcement officers, citations authorized in Section 1-2-1 above may be issued by the following officials in their areas of responsibility:

- (a) Building Inspector.
- (b) Zoning Administrator.

Sec. 1-2-3 Form of Citation.

The form of the citation to be issued by law enforcement officers or other designated Village officials is incorporated herein by reference and shall provide for the following information:

- (a) The name, address, date of birth and physical description of the alleged violator;
- (b) The factual allegations describing the alleged violation;

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- (c) The date and place of the offense;
- (d) The Section of the Ordinance violated;
- (e) A designation of the offense in such manner as can be readily 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:
 - (1) That the alleged violator may make a cash deposit of a specified amount to be mailed to a specified official within a specified time;
 - (2) That if the alleged violator makes such a deposit; he/she need not appear in court unless subsequently summoned;
 - (3) That if the alleged violator makes a cash deposit and does not appear in court, he/she will be deemed to have tendered a plea of no contest and submitted to a forfeiture and a penalty assessment imposed by Sec. 165.87, Wis. Stats., and court costs as imposed by Sec. 800.10, Wis. Stats., not to exceed the amount of the deposit, or will be summoned into court to answer the complaint if the court does not accept the plea of no contest;
 - (4) That if the alleged violator does not make a cash deposit and does not appear in court at the time specified, an action may be commenced against the alleged violator to collect the forfeiture and the penalty assessment imposed by Sec. 165.87, Wis. Stats.;
- (h) A direction that if the alleged violator elects to make a cash deposit, the alleged violator shall sign an appropriate statement which accompanies the citation to indicate that he/she read the statement required under Subsection (g) and shall send the signed statement with the cash deposit;
- (i) Such other information as may be deemed necessary.

Sec. 1-2-4 Schedule of Deposits.

The schedule of cash deposits for the various ordinances for which a citation may be issued are as established on the deposit schedule adopted by the Village Board, a copy of which is on file with the Village Clerk. In addition to the deposit amount listed, the deposit must include a penalty assessment imposed by Sec. 165.87, Wis. Stats., and court costs as imposed by Sec. 800.10, Wis. Stats. Village law enforcement authorities shall be provided a copy of all bond schedules and amendments thereto.

Sec. 1-2-5 Receipt of Deposits.

Deposits shall be made by money order, personal checks or certified check sent to the Village's post office box or paid to the Village of Hatley Clerk or Treasurer. Receipts shall be given for all deposits received.

Sec. 1-2-6 Procedure.

Sec. 66.0113, Wis. Stats., relating to violator's options and procedure on default, is hereby adopted and incorporated herein by reference.

Sec. 1-2-7 Nonexclusivity of Chapter.

- (a) Adoption of this Chapter does not preclude the Village Board from adopting any other ordinance providing for the enforcement of any other law or ordinance relating to the same or other matters.
- (b) 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.

Title 1 ► Chapter 3

Schedule of Fees

1-3-1 Fee Schedule

Sec. 1-3-1 Fee Schedule.

The following fees shall be applicable for licenses and permits under this Code of Ordinances:

SECTION	LICENSE/FEE TYPE	FEE
2-2-10(b)	Special Village Board Meetings	\$ 160.00
3-1-11	Statement of Real Property Status	No charge
3-1-17	Insufficient Funds Checks	\$ 25.00 per check
3-3-4(f)	Public Records	\$.25 per page
	Police Records:	
	Accident & incident reports	\$ 3.00 up to 5 pages; 25¢ per each additional page
	Photographs	\$ 2.00 per print (processing)
	CD records	\$ 20.00
	Financial institutions fingerprinting	\$ 15.00
	Paper service	\$ 25.00
5-2-9 (d)	Open Buring Permit	No charge
6-2-2(d)	Sidewalk Permit	\$ 10.00
6-2-2(d)(12)	Sidewalk Materials Variance	\$ 25.00 application

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6-2-3(a)(2)	Street Opening Permit	\$ 25.00 each plus \$300.00 expenses deposit; \$75.00 if work commenced without permit
6-2-3(a)(3)	Emergency (Late) Street Opening Permit	\$ 75.00
6-2-3(e)	Street Opening Permit Renewal	\$ 25.00
6-2-6(c)	Street Privilege Permit	\$ 25.00 per application
6-2-7	Village Snow Removal	\$ 30.00 minimum charge, plus actual costs
6-3-1(b)	Driveway Permit	\$ 25.00 per application
6-3-2(f)(2)	Culvert Permit	\$ 20.00 per application
6-4-7(a)(6)	Public Tree Planting Permit	No fee
7-1-3(a)	Spayed Female or Neutered Male Dogs	\$ 5.00 annually
7-1-3(a)	Unspayed Female or Unneutered Male Dogs	\$ 10.00 annually
7-1-3(b)	Multiple Dog (Kennel) License	\$ 36.50, plus \$4.00 for each dog over twelve
7-1-10(k)	Wolf/Dog Hybrid Registration	\$ 25.00
7-1-11(d)(4)	Exotic Animal Permit Application	\$ 25.00 per animal
7-1-11(e)	Exotic Animal Permit	\$ 35.00 annually per animal
7-1-25(b)	Potbellied Pigs	\$ 10.00 annually
7-2-5	Retail "Class A" Intoxicating Liquor	\$ 75.00 annually
	Retail "Class B" Intoxicating Liquor	\$ 75.00 annually

	Reserve Retail "Class B" Intoxicating Liquor	\$ 10,000 initial issuance; thereafter \$75.00
	Class "A" Fermented Malt Beverage	\$ 10.00 annually
	Class "B" Fermented Malt Beverage	\$ 75.00 annually
	Temporary Class "B" Fermented Malt Beverage (Picnic) & Temporary "Class B" Wine	\$ 10.00 per event
	Wholesaler's License	\$ 25.00 annually
	"Class C" Wine License	\$ 75.00 annually
7-2-19(d)	Beer garden/outdoor sports	\$ 25.00 per event or annually
7-2-33(a)	Operator's License	\$ 10.00 annually
7-2-33(b)	Provisional Operator's License	\$ 15.00 each
7-2-33(c)	Temporary Operator's License	\$ 15.00 each
7-3-1	Cigarette License	\$ 5.00 annually
7-4-4(c)	Transient Merchant Registration	\$ 20.00 weekly (not pro-rated), plus CIB background check fee & \$5.00 per day for each transient merchant
7-4-9(a)	Special Event Vending	\$ 10.00 per event
7-5-1	Carnivals, Circuses, Public Amusements	\$ 25.00 per event
7-6-1(c)	Fireworks Use Permit	\$ 25.00 per event (may be waived for community events)
7-6-1(d)	Fireworks Possession Permit	\$ 25.00/week

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7-6-1(e)	Fireworks Seller's Permit	\$ 25.00 annually
7-7-1(b)	Street Use Permit	\$ 25.00 per event, plus municipal costs for erecting signage/barriers
7-8-1(o)	Large Assemblies (may be waived for community events)	1,000-2,500 people: \$50.00 Over 2,500 people: \$250.00
7-9-2	Amusement Arcade License	\$ 25.00 annually
7-10-1	Flea Markets	\$ 10.00 per event
8-1-5(c)	Natural Lawn Permit	\$ 25.00
8-1-6(f)	Weed/Grass Cutting Hearing Deposit	\$ 25.00
8-1-6(g)	Village Grass Cutting	\$ 25.00 Village administrative fee plus actual costs
9-1-1 thru 9-1-2	Water Utility Rates (PSC)	See Title 9, Chapter 1
9-1-56	Private Well Operation Permits	\$ 75.00 per 5 years
9-2-4(b)(2)	Sewer Connection Charge	See Section 9-2-4(b)(2)
9-2-4(f)	Septic/Holding Tank Disposal	\$ 50.00
9-2-5(f)	Sewer Rates	\$ 152.00 flat charge under 12,000 gallons. Flat rate of \$3.12/1,000 gallons over 12,000 gallons.
11-7-22	Adult Entertainment Application	\$ 500.00 annually
11-7-44	Adult Oriented Establishment Application	\$ 500.00
11-7-46	Adult-Oriented Establishment License	\$ 500.00 annually

12-3-1(e)	Community/Senior Center Rental Fees/Deposits	\$ 25.00 per event
13-1-68(c)	Planned Unit Development	\$ 150.00 plus professional costs
13-1-83	Conditional Use Permit Application	\$ 55.00 new; \$45.00 renewals
13-1-142	Sign Permits (commercial/business)	\$ 40.00 each
13-1-202	Fence Permit	\$ 35.00
13-1-203(c)	Swimming Pool Permit (in-ground or permanent type)	\$ 35.00
13-1-204	Retaining Wall	Per building inspection fee
13-1-223	Land Use/Zoning Permit	\$ 45.00
13-1-224	Site Plan Approval	\$ 25.00
13-1-246	Re-Zoning Requests	\$ 55.00
13-1-260	Appeals to Board of Appeals	\$ 55.00
13-1-263	Variance Requests	\$ 55.00
14-1-81(e)(1)	Land Division Parkland Fee-in-Lieu of Land	Per Section 14-1-81(e)
14-1-90(e)(1)	Preliminary Plat	\$ 80.00
14-1-90(e)(2)	Preliminary Plat Reapplication	\$ 80.00
14-1-90(f)(1)	Final Plat	\$ 80.00
14-1-90(f)(2)	Final Plat Reapplication	\$ 100.00
14-1-90(g)(1)	Certified Survey Map	\$ 50.00 plus \$25.00 per lot
14-1-90(g)(2)	Certified Survey Map Reapplication	\$ 50.00

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Building Code Permits:

Per contract with Inspector

The following fee schedule applies to any construction or remodeling valued at over \$1,000.00. All projects valued at over \$1,000.00 require a permit *before* any work is done:

1. Detached accessory structures other than utility sheds	\$ 50.00
2. Detached accessory structures 120 sq. ft. (garages/sheds) or less (utility sheds)	\$ 35.00
3. Additions and alterations	\$ 55.00
4. Single-family residence zoning permit*	\$ 55.00
5. Multiple family residence zoning permit*	\$ 65.00
6. Razing/demolition permit	\$ 45.00
7. Moving permit	\$ 135.00
8. Decks/patios/gazebos (any size)	\$ 35.00
9. Commercial permit	\$.10 per sq. ft. with a \$ 370.00 minimum permit fee

Failure to procure a permit prior to starting any construction constitutes a double fee penalty.

* At the time of building permit issuance, the appropriate building permit shall be paid, along with a \$100.00 occupancy bond payable to the Building Inspector and a \$ 200.00 occupancy bond payable to the Village. Occupancy bond refunds occur only after all applicable regulations have been complied with and final occupancy has been approved by the Building Inspector. The Village of Hatley and/or its Building Inspector reserve the right to retain all or part of the occupancy bonds for permit violations.

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Construction Site Erosion
and Stormwater Permit

Per contract with Inspector

