

TITLE 1

General Provisions for Use of Code of Ordinances

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Title 1 ► Chapter 1

Use and Construction of Code of Ordinances

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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, Town of Star Prairie, St. Croix County, Wisconsin." References to the Code of Ordinances, Town of Star Prairie, Wisconsin, shall be cited as follows: "Sec. 2-1-1, Code of Ordinances, Town of Star Prairie, 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 Town of Star Prairie 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

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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 Town. 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 Town officers or employees shall be construed as giving such authority to a majority of such officers or other persons (an emergency exception being when marshal law is declared).
- (h) **Officers.** The term "officers" shall refer solely to local offices created by state statute.
- (i) **Officials.** The term "officials" shall mean all Town 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 referred to the 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) **Town.** The term "Town" shall mean the Town of Star Prairie, St. Croix County, Wisconsin.
- (o) **Wisconsin Statutes.** The term "Wisconsin Statutes" and its abbreviation as "Wis. Stats." shall mean, in these Ordinances, the Wisconsin Statutes for the year 2013-2014, as amended.
- (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, as amended or renumbered from time to time.

State Law Reference: Legal Holidays, Section 256.17, Wis. Stats.

Sec. 1-1-3 Conflict of Provisions.

- (a) 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.
- (b) 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, Town of Star Prairie, St. Croix County, Wisconsin, shall take effect as provided by state law.
- (b) **Subsequent Ordinances.** All Ordinances passed by the Town Board subsequent to the adoption of the Code of Ordinances, except when otherwise specifically provided, shall take effect from and after their publication or legal posting.

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

Sec. 1-1-6 General Penalty.

- (a) **General Penalty.** Except where a penalty is provided elsewhere 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:
- (1) **First Offense — Penalty.** Any person who shall violate any provision of this Code 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 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 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 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 shall preclude the Town from maintaining any appropriate action to prevent or remove a violation of any provision of this Code.
- (c) **Other Remedies.** The Town shall have any and all other remedies afforded by the Wisconsin Statutes in addition to the forfeitures and costs of prosecution above, including those specifically prescribed in Secs. 66.0109, 66.0114 and 66.0115, Wis. Stats., incorporated herein by reference.

State Law Reference: Secs. 66.0014, 66.0015 and 66.0109, Wis. Stats.

Sec. 1-1-7 Clerk-Treasurer 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 as if fully set forth herein, and the Town Clerk-Treasurer 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 Town Clerk-Treasurer's office shall be considered public records open to reasonable examination by any person during the office hours of the Town Clerk-Treasurer subject to such restrictions on examination as the Clerk-Treasurer imposes for the preservation of the material.

Title 1 ► Chapter 2

Issuance of Citations

1-2-1	Method of Enforcement
1-2-2	Form of Citation
1-2-3	Schedule of Deposits
1-2-4	Issuance of Citations
1-2-5	Procedure
1-2-6	Nonexclusivity

Sec. 1-2-1 Method of Enforcement.

The Town of Star Prairie hereby elects to use the citation method of enforcement of ordinances. All law enforcement officers and other Town personnel charged with the 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 Form of Citation.

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

- (a) The name and address of the alleged violator;
- (b) The factual allegations describing the alleged violation;
- (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;

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- (3) That, if the alleged violator makes a cash deposit and does not appear in court, he will be deemed to have tendered a plea of no contest and submitted to a forfeiture and a penalty assessment imposed by Section 165.87, Wis. Stats., and court costs as imposed by Section 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 Section 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 read the statement required under Subsection (g) and shall send the signed statement with the cash deposit;
- (i) A statement that if the court finds the violation involves an offense that prohibits conduct prohibited by state statute punishable by fine or imprisonment or both, and that the violation resulted in property damage or physical injury to a person other than the alleged violator, the Court may summon the defendant into court to determine if restitution shall be ordered under Sec. 800.093, Wis. Stats., for Municipal Court (if applicable).
- (j) Such other information as may be deemed necessary.

Sec. 1-2-3 Schedule of Deposits.

- (a) The schedule of cash deposits shall be established by the Town Board for use with citations issued under this Chapter according to the penalty provision in Section 1-1-6 of this Code of Ordinances, a copy of which is on file with the Town Clerk-Treasurer.
- (b) Deposits shall be made in cash, money order or certified check to the Clerk of Court who shall provide a receipt therefor. Sections 66.0114, 66.0115 and 66.0117, Wis. Stats., are adopted and incorporated herein by reference.

Sec. 1-2-4 Issuance of Citation.

- (a) **Law Enforcement Officer.** Any law enforcement officer may issue citations authorized under this Chapter.
- (b) **Town Officials.** The following Town officials may issue citations with respect to those specified Ordinances which are directly related to their official responsibilities:
 - (1) Building Inspector.
 - (2) Fire Inspector.

- (3) Code Enforcement Officer.
 - (4) Animal Control Officer.
 - (5) Anyone authorized by majority vote of the Town Board to issue citations, including a member(s) of the Town Board.
 - (6) Wisconsin Department of Natural Resources (DNR) wardens.
- (c) **Delegated Authority.** The Town officials named in Subsection (b) above may delegate their authority to issue citations to their subordinates, provided such delegation is authorized by the Town Board.

Sec. 1-2-5 Procedure.

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

Sec. 1-2-6 Nonexclusivity.

- (a) **Other Ordinance.** Adoption of this Chapter does not preclude the Town Board from adopting any other ordinance or providing for the enforcement of any other law or ordinance, including, but not limited to, summons and complaint, relating to the same or other matter.
- (b) **Other Remedies.** The issuance of a citation hereunder shall not preclude the Town 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
2-5-2(b)(6)	Plan Commission Special Meeting Request	\$ 225.00 per meeting
3-1-16	Statement of Real Property Status	\$ 25.00
3-1-20	Insufficient Funds Checks	\$ 35.00 per check
3-3-4(f)	Public Records	
	Copies of Documents	
	Paper	\$ 1.00 per page
	CD-R	\$ 10.00 per CD-R
	Tax Information	\$ 1.00 per page
	Fax Use	\$ 1.00 per page local \$ 1.00 per page long distance
	Special Assessment Research	\$ 25.00 per search
	Open Records Research	\$ 40.00 an hour after 1st 1/2-hour, to be paid in advance
5-2-9(j)	Burning Permit	No charge

Schedule of Fees

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6-2-1	Application for New Town Road (Non-Subdivision)	\$ 250.00 plus construction costs
6-3-1	Street Excavation Permit	Per St. Croix County fee
6-4-1	Driveway/Culvert Construction Permit	\$ 25.00
7-3-1(a)	Spayed Female or Neutered Male Dogs	\$ 10.00 annually
7-1-3(a)	Unspayed Female or Unneutered Male Dogs	\$ 15.00 annually
7-1-3(b)	Multiple Dog (Kennel) License	\$ 36.50, plus \$4.00 for each dog over twelve
7-1-9(d)	Exotic Animal Permit Application	\$ 35.00 per animal
7-1-9(e)	Exotic Animal Permit	\$ 35.00 annually per animal
7-1-9(p)	Wolf/Dog Hybrid Registration	\$ 35.00 annually
7-2-5	Retail "Class A" Intoxicating Liquor (liquor stores)	\$ 500.00 annually
	Retail "Class B" Intoxicating Liquor (bars and restaurants)	\$ 500.00 annually
	Reserve Retail "Class B" Intoxicating Liquor	\$ 10,000 initial issuance; thereafter \$500.00
	Class "A" Fermented Malt Beverage (grocery-type stores)	\$ 100.00 annually
	Class "B" Fermented Malt Beverage (bars and restaurants)	\$ 100.00 annually
	Temporary Class "B" Fermented Malt Beverage (Picnic) & Temporary "Class B" Wine	\$ 20.00 per event
	Liquor License Publication Fee	\$ 25.00

	Agent Change	\$ 10.00
	Wholesaler's License	\$ 25.00 annually
	"Class C" Wine License	\$ 100.00 annually
7-2-33(a)	Operator's License (Annual)	\$ 25.00 new-annually \$ 15.00 renewal-annually
7-2-33(b)	Provisional Operator's License	\$ 15.00 annually
7-3-1	Cigarette License	\$ 25.00 annually
7-4-6(c)	Campground License	\$ 2.00 per campsite annually
7-4-6(f)	Special Event Camping License	\$ 500.00 per event
7-5-1(c)	Fireworks Use Permit	\$ 25.00 per event (may be waived for community events)
7-5-1(d)	Fireworks Possession Permit	\$ 25.00 per month
7-5-1(e)	Fireworks Seller's Permit	\$ 25.00 per month
7-6-1	Automobile/Motorcycle Races/Shows	\$ 500.00 annually
7-7-4	Transient Merchants	\$ 25.00 registration plus CIB background check
8-4-5	Solid Waste/Hazardous Waste Facility Permit	\$ 500.00 annually plus associated review costs
9-2-1(g)	Cross Connection Inspection Access Denial	\$ 100.00
9-2-2(e)	Well Abandonment Permit	\$ 25.00
12-1-5(d)	Recreational Vehicle/Camping Unit Annual Parking Permit	\$ 50.00 annually

Schedule of Fees

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12-1-6(g)	Organized Events on Town Parks, Lands or Inland Waters	Minimum security Deposit of \$100.00, plus \$ 20.00 application fee
9-2-1(d)(4)	Cross Connection Control Assembly Permit	\$ 20.00
12-1-5(d)	Recreational Vehicle/Camping Unit Annual Parking Permit	\$ 50.00 annually
12-1-6(g)	Organized Events on Town Parks, Lands or Inland Waters	Minimum security Deposit of \$100.00
12-3-1	Town Hall Rental	\$ 50.00 up to 4 hours \$ 100.00 per day
	Cleaning/Damage Deposit	\$ 100.00
12-4-2	Tubing License	\$ 500.00 annually
14-1-90(d)	Major Subdivision (5 or More Lots) Concept Plan Review	\$ 200.00
14-1-90(e)(1)	Major Subdivision (5 or More Lots) Preliminary Plat	\$ 200.00 plus \$20.00 per lot over 4 (plus review escrow deposit)
14-1-90(e)(2)	Major Subdivision (5 or More Lots) Preliminary Plat Reapplication	\$ 100.00
14-1-90(f)(1)	Major Subdivision (5 or More Lots) Final Plat	\$ 200.00 (plus escrow deposit)
14-1-90(f)(2)	Major Subdivision (5 or More Lots) Final Plat Reapplication	\$ 100.00
14-1-90(g)(1)	Certified Survey Map (Minor Subdivison)	\$ 100.00
	Certified Survey Map Concept Plan Review	\$ 225.00

14-1-90(g)(2)	Certified Survey Map Reapplication	\$ 50.00
15-1-12	Building Permit Fees	Per contract with Building Inspector
15-2-7(b)	Impact Fees	
	Transportation Impact Fee	\$ 1,160.00
	Public Building Impact Fee	\$ 320.00
	Park Impact Fee	\$ 500.00

