

CHAPTER 21. GENERAL PROVISIONS

SECTION 21.01 RULES OF CONSTRUCTION

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

(1) Wisconsin Statutes

The term Wisconsin Statutes wherever used in this Code shall mean the Wisconsin Statutes for the year 1977.

(2) Singular and Plural

The singular includes the plural and the plural includes the singular.

(3) Gender

Words importing one gender extend and may be applied to any gender.

(4) Tenses

The present tense of a verb includes the future when applicable. The future perfect tense includes past and future tenses.

(5) Time, How Computed

The time within which an act is to be done or proceeding had or taken shall be computed as provided in Sec. 990.001 (4), Wis. Stats.

(6) Acts by Agents

When a provision requires an act to be done which may legally be done by an agent, such requirement includes all such acts when done by an authorized agent.

(7) Words and Phrases

The provisions of section 990.001 of the Wis. Stats. pertaining to construction of words and phrases is hereby adopted and incorporated by reference as if fully set forth herein.

SECTION 21.02 CONFLICT AND SEVERABILITY

(1) Conflict

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 a chapter.

(2) Severability

If any provision of this code is for any reason held to be invalid or unconstitutional by reason of any decision of any court or competent jurisdiction, such invalidity or unconstitutionality shall not affect the provision or applications of this code which can be given effect without being valid or unconstitutional provision or application.

SECTION 21.03 DOCUMENTS INCORPORATED BY REFERENCE

Whenever in this code any standard, code, rule, regulation or other written or printed matter, other than the Wis. Stats. or other sections of this code are adopted by reference, they shall be deemed incorporated in this code as if fully set forth herein. The City Clerk is hereby directed to file and keep in his office a copy of the code, standard, rule, regulation or other written or printed matter as adopted. Materials so filed and kept shall be public records open for examination with property care by any person during the clerk's office hours, subject to such orders or regulation as may be prescribed the Clerk for their preservation.

SECTION 21.04 UNIFORM CITATION FOR ORDINANCE VIOLATIONS

(1) Authority

Pursuant to the authority of Sec. 66.119 of the Wis. Stats, the City hereby elects to use the citation method of enforcement of Ordinance other than those for which a statutory counterpart exists.

(2) Citation

- (a) The name and address of the alleged violator.
- (b) The factual allegations describing the alleged violation.
- (c) The time 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:
 - (i) That the alleged violator may make a cash deposit of a specified amount to be mailed to a specified official within a specified time.
 - (ii) That if the alleged violator makes such a deposit, he or she need not appear in court unless subsequently summoned.
 - (iii) That if the alleged violator makes a cash deposit and does not appear in court, either he or she will be deemed to have tendered a plea of 'no contest' and submitted to a forfeiture, a penalty assessment imposed by s. 165.87 of the Wis. Stats., and a jail assessment imposed by s. 53.46 (1), 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.
 - (iv) That if the alleged violator does not make a cash deposit and does not appear at court at the time specified, an action may be commenced against the alleged violator to collect the forfeiture, the penalty assessment imposed by s. 165.87 of the Wis. Stats. and the jail assessment imposed by s. 53.46 (1) of the Wis. Stats.
- (h) A direction that if the alleged violator elects to make a cash deposit, the alleged violator shall sign an appropriate a statement which accompanies the citation to indicate that he or she read the statement required under sub d. 7 and shall send the signed statement with the cash deposit.

- (i) Such other information as may be deemed necessary.
- (j) The form of the citation is attached hereto and is incorporated by reference as if fully set forth herein.

(3) Schedule of Deposits

Section No.	Offense	Deposit	Assessment	Penalty Assessment	Jail Court Costs	Justice Information System Fee	Court Support Service Fee
4.05	Civilians Assist	\$10.00	\$2.30	\$10.00	\$25.00	\$5.00	\$40.00
4.051	False Security Alarms	\$50.00	\$11.50	\$10.00	\$25.00	\$5.00	\$40.00
Ch. 5	Fire Department Regulations	\$25.00	\$5.75	\$10.00	\$25.00	\$5.00	\$40.00
5.071	False Fire Alarm	\$160.00	\$36.80	\$10.00	\$25.00	\$5.00	\$40.00
6.05	U-Turns	\$30.00	\$6.90	\$10.00	\$25.00	\$5.00	\$40.00
6.05A	Unsafe Operation of Vehicles	\$50.00	\$11.50	\$10.00	\$25.00	\$5.00	\$40.00
6.05B	Motor Vehicles on Sidewalk	\$25.00	\$5.75	\$10.00	\$25.00	\$5.00	\$40.00
6.07 (10)	Blocking Street	\$25.00	\$5.75	\$10.00	\$25.00	\$5.00	\$40.00
8.02	Sidewalk Construction & Repair	\$50.00	\$11.50	\$10.00	\$25.00	\$5.00	\$40.00
8.03	Obstruction of Sidewalk	\$50.00	\$11.50	\$10.00	\$25.00	\$5.00	\$40.00
Ch. 9	Orderly Conduct	\$25.00	\$5.75	\$10.00	\$25.00	\$5.00	\$40.00
9.01 (1)	Discharge or Uncased Firearm	\$25.00	\$5.75	\$10.00	\$25.00	\$5.00	\$40.00
9.01 (1)	Second Offense	\$50.00	\$11.50	\$10.00	\$25.00	\$5.00	\$40.00

9.01 (1a)	Possession of Firearms	\$25.00	\$5.75	\$10.00	\$25.00	\$5.00	\$40.00
9.01 (1a)	Second Offense	\$50.00	\$11.50	\$10.00	\$25.00	\$5.00	\$40.00
9.01 (6)	Open Bottle	\$25.00	\$5.75	\$10.00	\$25.00	\$5.00	\$40.00
9.02 (1)	Disorderly Conduct	\$50.00	\$11.50	\$10.00	\$25.00	\$5.00	\$40.00
9.02 (1)	Second Offense	\$100.00	\$23.00	\$10.00	\$25.00	\$5.00	\$40.00
9.02 (2)	Loud and Unnecessary Noise	\$50.00	\$11.50	\$10.00	\$25.00	\$5.00	\$40.00
9.02 (2)	Second Offense	\$100.00	\$23.00	\$10.00	\$25.00	\$5.00	\$40.00
9.02 (7)	Excessive and unnecessary Acceleration	\$50.00	\$11.50	\$10.00	\$25.00	\$5.00	\$40.00
9.02 (7)	Second Offense	\$100.00	\$23.00	\$10.00	\$25.00	\$5.00	\$40.00
9.03 (1)	Gambling	\$200.00	\$46.00	\$10.00	\$25.00	\$5.00	\$40.00
9.03 (3)	Indecent Conduct and Laughing	\$50.00	\$11.50	\$10.00	\$25.00	\$5.00	\$40.00
9.04A	Issuance of Worthless Checks Restitution plus the following deposit schedule:						
	\$25.00 or less	\$25.00	\$5.75	\$10.00	\$25.00	\$5.00	\$40.00
	\$26.00 to \$100.00	\$75.00	\$17.25	\$10.00	\$25.00	\$5.00	\$40.00
	\$101.00 to \$500.00	\$150.00	\$34.50	\$10.00	\$25.00	\$5.00	\$40.00
	\$501 or more	\$350.00	\$80.50	\$10.00	\$25.00	\$5.00	\$40.00

9A.01 through 9A.03	Unauthorized use of Library Materials; Theft; Fraudulent Access	\$30.00	\$6.90	\$10.00	\$25.00	\$5.00	\$40.00
10.01	Abandoned or Inoperable Vehicle	\$10.00	\$2.30	\$10.00	\$25.00	\$5.00	\$40.00
10.05	Noxious Weeds	\$25.00	\$5.75	\$10.00	\$25.00	\$5.00	\$40.00
10.06	Lawn Maintenance	\$25.00	\$5.75	10.00	\$25.00	\$5.00	\$40.00
10.07	Minimum Property Maintenance Standards	\$25.00	\$5.75	\$10.00	\$25.00	\$5.00	\$40.00
11.04	Refuse Collection and Disposal	\$150.00	\$34.50	\$10.00	\$25.00	\$5.00	\$40.00
11.05	Refuse Collection and Disposal	\$75.00	\$17.25	\$10.00	\$25.00	\$5.00	\$40.00
Ch. 14	Violations on Owning, Harboring, or Keeping of Dogs	\$25.00	\$5.75	\$10.00	\$25.00	\$5.00	\$40.00
15.03	Transient Merchants License	\$150.00	\$34.50	\$10.00	\$25.00	\$5.00	\$40.00
16.02 (1) (a)	Building Permits Required	\$25.00	\$5.75	\$10.00	\$25.00	\$5.00	\$40.00
Ch. 17	Fire Code Violation	\$25.00	\$5.75	\$10.00	\$25.00	\$5.00	\$40.00
Ch. 17	Second Offense	\$50.00	\$11.50	\$10.00	\$25.00	\$5.00	\$40.00

18.01 (52) (d)	Zoning	\$25.00	\$5.75	\$10.00	\$25.00	\$5.00	\$40.00
19.06	Failure to Abandon Private Well	\$75.00	\$17.25	\$10.00	\$25.00	\$5.00	\$40.00

(a) Deposits plus penalty assessment shall be remitted in cash money order or certified check to the Chief of Police who shall provide a receipt therefor.

(4) Issuance of Citations

- (a) Any law enforcement officer may issue citations for enforcement of any provision of this code authorized under this Section.
- (b) The City Building Inspector is hereby authorized to issue citations for enforcement of these specified sections of this code. Such official may delegate this authority of their subordinates upon approval of the Common Council.

Section Number	Offense	Enforcement Official
Ch. 5	Fire Department Regulations	Fire Chief
5.071	False Alarm	Fire Chief
8.02	Sidewalk Construction	City Clerk
8.03	Obstruction of Sidewalk	City Clerk
9.01 (1)	Discharge or Uncased Firearm	Police Department
9.01 (a)	Possession of Firearms	Police Department
9.01 (6)	Open Bottle	Police Department
9.02 (1)	Disorderly Conduct	Police Department
9.02 (2)	Loud and Unnecessary Noise	Police Department
9.02 (7)	Excessive and unnecessary Acceleration	Police Department
9.04A	Issuance of Worthless Checks	Police Department
9A.01-9A.02	Unauthorized use of library materials; theft; fraudulent access	Library Director

10.01 (1)	Abandonment of Vehicle	Police Department
10.02 (1)	Junked Vehicles	Police Department
10.05	Noxious Weeds	Weed Commissioner
10.06	Lawn Maintenance	Weed Commissioner
10.07	Minimum Property Standards	Building Inspector
11.04	Refuse Collection & Disposal	City Clerk or Public Works Director
11.05	Refuse Collection & Disposal	City Clerk or Public Works Director
Ch. 14	Violations on Owning, Harboring & Keeping of Dogs	Police Department
15.03	Transient Merchants License	City Clerk
16.02 (1) (a)	Building Permits	Building Inspector
Ch. 17	Fire Code Violations	Fire Chief or Fire Inspector
18.01 (52) (d)	Zoning Violation	Zoning Administrator
19.06	Well Abandonment	Water Utility Supervisor

(5) Procedure

The provisions of section 66.119 (3), Wis. Stats., relating to violator's options and procedure on default, are hereby adopted and incorporated herein by reference.

(6) Non-exclusivity

Adoption of this section in no way precludes the adoption of any other section of this code nor precludes provisions for enforcement of any other law or ordinance relating to the same or any other matter. The issuance of a citation under this section in no way precludes the proceeding under any other law or Ordinance relating to the same or any other matter.

SECTION 21.05 REPEAL OF GENERAL ORDINANCES

- (1) All ordinances heretofore adopted by the Common Council of the City of Mondovi 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:

- (a) The issuance of corporate bonds and notes of the City of Mondovi of whatever name or description.
- (b) The establishments of grades, curb lines and widths of sidewalks in the public streets and alleys.
- (c) The fixing of salaries of public officials and employees.
- (d) Rights, licenses or franchises for the creation of any contract with the City of Mondovi.
- (e) The lighting of streets and alleys.
- (f) The annexation of territory to the City of Mondovi.
- (g) The naming and changing of names of streets, alleys, public grounds and parks.
- (h) The letting of contracts without bids.
- (i) Tax and special assessment levies.
- (j) Release of persons, firms or corporations from liability.
- (k) Construction of any public works.
- (l) Water and Sewer rates, rules and regulations and sewer and water main construction.
- (m) Budget ordinances, resolutions and actions.

SECTION 21.06 EFFECTIVE REPEALS

The repeal or amendment of any section or provision of this code or of any other Ordinance or Resolution of the Common Council shall not:

- (1) By implication be deemed to revive any Ordinance not enforce 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 City.
- (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 prosecutions or any offense, or the levy of any forfeiture pending at the time when any Ordinance aforesaid shall be repealed or amended, but the right of the action shall continue and the offender shall be subject to the forfeiture 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.

SECTION 21.07 EFFECTIVE DATE: CITATIONS

These Ordinances shall be known as the “Municipal Code of the City of Mondovi” and shall take effect from and after passage and publication. All references thereto shall be cited by Section number (for example: s. 13.06 Municipal Code of the City of Mondovi).

SECTION 21.08 STYLE OF ORDINANCES: ADDITIONS, AMENDMENTS, AND REPEALS

All general ordinances hereafter enacted by the Common Council of the City of Mondovi shall be prefixed by the letter "O" and numbered with the year and month of passage and chronological number of the Ordinance passed in that particular month (for example: O-77-8-1). Such Ordinances shall indicate by appropriate decimal number the Section, subsection or paragraph of this code created, amended, repealed, or revised.

SECTION 21.09 CLERK TO FILE ORDINANCE: SUPPLEMENTAL SHEETS

- (1) The City Clerk shall certify one copy of this code as the original Municipal Code of the City of Mondovi and shall file the same as part of the City Ordinance Book. Such copy shall be retained in its original form. In addition, the Clerk shall retain in his office at least one copy of the Municipal Code of the City of Mondovi in current form in which shall be inserted all supplemental sheets as hereinafter provided.
- (2) Whenever any Ordinance amending, repealing, revising or creating any Section of this Code is adopted by the Common Council, the Clerk, after recording such Ordinance in the Ordinance Book, shall cause copies of such Ordinance to be reproduced on supplemental sheets in the proper form for insertion in the Municipal Code and shall insert such Ordinance in all copies of this Code in his possession except the aforementioned original copy. The Clerk shall make such supplemental sheets available at a fee specified by the Common Council to all persons requesting the same.