

CHAPTER 1

GENERAL PROVISIONS¹

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1.01 Purpose

The general purpose of this Ordinance is to recodify and set forth various Village Ordinances which will be enforced by the Sheboygan County Sheriff's Department, Sheboygan County, a municipal corporation, and the Village of Oostburg, for law enforcement services, which agreement was dated December 30, 1981.

1.02 Repeal Of General Ordinances

All Ordinances heretofore adopted by the Village of Oostburg similar to or in conflict herewith are hereby repealed.

1.03 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.

¹Adopted as part of the "Partial General Ordinances of the Village of Oostburg". Adopted on March 24, 1982, Published on March 29, 1982. See Minutes of the Village Board, Vol. 6, pg. 625.

- (2) Affect any vested right, privilege, obligation or liability acquired, accrued or incurred under any enactment so repealed or amended, unless the privilege of repealing such obligation or privilege has been reserved by the Village.
- (3) Affect any offense committed or penalty or forfeiture incurred, previous to the time when any ordinance shall be repealed or amended, except when any forfeiture or penalty shall have been mitigated by the provisions of any ordinance, such provisions shall apply to and control any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.
- (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for any offense, or the levy of any penalty or forfeiture pending at the time when any ordinance aforesaid shall be repealed or amended, but the right of action shall continue and the offender shall be subject to the penalty as provided in such ordinances and such prosecution shall proceed, in all respects, as if such ordinance or ordinances had not been repealed, except that all such proceedings had after the time this code shall take effect, shall be conducted according to the provisions of this code, and shall be, in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.

1.04 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.

(1) Gender: Singular & Plural

Every word in this code and in any ordinance importing the masculine gender may extend and apply 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 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.

(2) Persons

The word "person" extends and applies to natural persons, firms, corporations, or officers thereof, associations, or officers thereof, partnerships or its partners; or other bodies politic and all entities of any kind capable of being sued unless plainly inapplicable.

(3) Acts by Agents

When a provision requires an act to be done which may be law as well be done by an agent as by the principal, such requisition shall be constructed to include all such acts when done by an authorized agent.

(4) Time

The time within which an act is to be done, or proceeding, had, or taken shall be computed by excluding the first day and including the last and when any such time is expressed in hours, the whole of Sunday and of any legal holiday, from midnight to midnight, shall be excluded. If the last day within which an act is to be done, or proceeding had, or taken falls on Sunday, or legal holiday, the act may be done or proceeding had or taken on the next secular day.

1.05 Penalty Provisions

(1) Penalty Where None Provided

A violation of any provision of this code or of any other ordinance of the Village of Oostburg which no penalty is expressly provided shall subject the violator to a penalty of not less than Ten (\$10.00) Dollars, nor more than One Hundred (\$100.00) Dollars, together with the cost of prosecution, and in default of payment thereof, such be imprisoned in Sheboygan County Jail for a period not to exceed thirty (30) days unless such judgment is sooner paid.

(2) Execution Against Defendants Property

Whenever any person fails to pay and 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.

(3) Costs and Sentence in Judgment

Whenever a penalty of forfeiture is imposed as a whole or any part of the punishment for any offense under the provisions of this code, in the event of default the judgment shall also include the costs of prosecution and shall provide for the imprisonment in the County Jail for default in the payment of such penalty, forfeiture and costs unless such judgment is sooner paid.

1.06 Conflict And Separability

(1) Conflict of Provisions

If the provisions of the different chapters of this code conflict with or contravene with 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 or ordinance of the Village 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 Oostburg hereby declares 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.

1.07 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 Village Clerk 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, by any person, subject to such orders or regulations which the Clerk may prescribe for their preservation.

1.08 Effective Date - Citation

These ordinances shall be known as the "**Partial General Ordinances of the Village of Oostburg**" and shall take effect from and after passage and publication according to law. All references thereto shall be cited by section number.

1.10 Fee Schedule; Charges for Professional Services²

- A. Fee Schedule. For permits, licenses, municipal services and land use approvals issued or provided by the Village, it shall receive the fees indicated on the attached Fee Schedule (Table 1.10), as updated and amended from time to time by resolution or ordinance of the Village Board.

- B. Charges for Professional Services. Any person proposing an action that requires a building permit, zoning amendment, conditional use permit, special land use permit, plat map, or other development approval by the Village or any of its subunits, officers, or agents shall pay such reasonable and necessary charges for professional, administrative and technical services incurred by the Village for the review, administration, investigation, and processing of the application. "Professional services" include but are not limited to planning, engineering, architectural, legal and related services. Such charges shall be in addition to any other filing, permit, publication or meetings fees, charges or costs otherwise owed by the applicant. An unfavorable decision shall not excuse the applicant from the obligations under this Section. Any

² Adopted as Ordinance 7-2007 on December 10, 2007. See Minutes of the Village Board, Vol. 17, Page 1513.

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challenge to the amount of fees shall be by appeal to the Village Board, which shall decrease, affirm or increase the fees based upon the relevant records and the testimony presented.

Village of Oostburg Fee Schedule (Table 1.10)			
General Category	License/Permit/Service	Authority/Date	Fee
Alcohol Licenses			
	See Chapter 20		
Building Permits			
	See Developmental Code, Chapter 4, Table 4.1		
Dog Licenses			
	Spayed/neutered	Ord 6-2007; 12-10-07; GO §2.02(7)	\$ 10.00
	Un-spayed/un-neutered	Ord 6-2007; 12-10-07; GO §2.02(7)	\$ 17.00
	Late fee	Ord 6-2007; 12-10-07; GO §2.02(7)	\$ 10.00
Miscellaneous			
	NSF Check	Ord 7-2007; 12-10-07	\$ 25.00
	Photocopy (black/white)	Ord 3/2023; 3/13/23	\$.25 page
	Public Records – Copies	Ord 7-2007; 12-10-07	\$.01/page
	Public Records – Search fees (if costs exceed \$50)	Ord 7-2007; 12-10-07	Hourly rate of Lowest Paid Employee Capable of the Task
	Public Records – Mailing/Shipping Fees	Ord 3/2023; 3/13/23	Actual Cost
	Public Records - Transcriptions	Ord 3/2023; 3/13/23	
	Special Assessment Search & Letter	Ord 7-2007; 11/9/09	\$ 25.00
	Clearwater Compliance Inspection	11/9/09	\$25.00
	Moving Permit	5/10/10	\$50.00
	Yard Waste Disposal Permit	5/8/2017	\$150.00
	Late Fee for Unpaid Village Licenses/Permits/Services	Ord 3/2023; 3/13/23	1.5% per month or portion thereof
Tobacco			
	Retailers Permit	11/9/09	\$25.00
Zoning, Subdivision & Land Use			
	Appeals [Dev. Code 1.09.E.2.b (iii)]	Ord 8-2011; 8-8-11	\$150.00
	Certificate of Compliance (Occupancy)[Dev.Code1.09.B.2]		
	Certified Survey Map – <i>See Preliminary Plat</i>		
	Conditional (Special) Use Permit [Dev. Code 1.09.C.2.a]	Ord 8-2011; 8-8-11	\$150.00
	Final Plat [Dev. Code 2.11(4)]	Ord 8-2011; 8-8-11	\$500.00
	Re-Application [Dev. Code 2.11(5)]	Ord 8-2011; 8-8-11	\$50.00
	Land Use Permit	Ord 8-2011; 8-8-11	\$50.00

	[Dev. Code 1.09.B.1.b]		
	Planned Unit Development [Dev. Code 1.07.B.2.]	Ord 8-2011; 8-8-11	\$250.00
	Preliminary Plat & Certified Survey Maps [Dev. Code 2.11(2)] *Plus \$10.00 additional for each lot, parcel, or condominium unit	Ord 8-2011; 8-8-11	*\$250.00
	Re-Application [Dev. Code 2.11(5)]		\$100.00
	Variance [Dev. Code 1.09.E.2.b (iii)]	Ord 8-2011; 8-8-11	\$350.00
	Zoning Amendment [Dev. Code 1.09.G.2.c]	Ord 8-2011; 8-8-11	\$150.00

Last Revised May 8, 2017

1.11 Charges for Fire Department Responses on Village, County, State or Federal Highways.³

Any person having a vehicle incident on Wisconsin village, county, state or federal highways involving a vehicular fire, auto accident involving spilled fluids or extrication of any victim(s) will be charged a fee to offset the cost of personnel, supplies and equipment used in providing these services and said fee shall be billed to the person(s) receiving the services.

The Village of Oostburg Fire Department shall not refuse or delay in the provision of any service to any person who has failed to pay for these services in the past.

1.12 Oostburg Fire Department and Oostburg Ambulance Volunteer Funds⁴

(1) Definitions.

(a) Fire Volunteer Funds. A separate account for the municipal fire department for “Fire Volunteer Funds” established in accordance with Wisconsin Statutes 66.0608. “Fire Volunteer Funds” are funds raised by employees of the municipality’s fire department, by volunteers or by donation to the fire department, for the benefit of the municipality’s fire department.

(b) Ambulance Volunteer Funds. A separate account for the municipal ambulance department for “Ambulance Volunteer Funds” established in accordance with Wisconsin Statutes 66.0608. “Ambulance Volunteer Funds” are funds raised by employees of the municipality’s ambulance department, by volunteers or by donation to the Oostburg Ambulance, for the benefit of the municipality’s ambulance department.

(2) Separate Account. The Fire Department and Ambulance Department shall be allowed to maintain a separate checking account in the fire department and ambulance department names in the public depository authorized

³Adopted as Ordinance on May 14, 2012. See Minutes of the Village Board, Vol. 22, pg. 1709.

⁴Adopted as Ordinance on October 13, 2014. See Minutes of the Village Board, Vol. 24, pg. 1800.

by the village and each department shall have exclusive control over the expenditure of the funds.

(3) Investments. Any investments shall be limited to allowable municipal investments as outlined in the Wisconsin Statutes and any investment shall be approved by the Village Clerk/Treasurer prior to opening any investment account to verify that the investment account satisfies the requirements as outlined in the statutes.

(4) Authorized Individuals For the Funds

(a) The Fire Department Treasurer and Fire Department Chief shall have the authority to deposit and withdraw funds from this separate checking account. Each person shall have the authority separately to deposit funds and withdraw funds from this account.

(b) The Ambulance Administrative Staff, under the direction of the Ambulance Executive Board shall have the authority to deposit and withdraw funds from this separate checking account. Each person shall have the authority separately to deposit funds and withdraw funds from this account.

(5) Reporting Requirements

(a) The Fire Department and Ambulance Department shall provide the village board annually a treasurer's report of the previous year's transactions no later than the February village board's regularly scheduled monthly meeting.

(b) The village shall require an annual audit of the volunteer funds by two designated members of the Fire Department and two designated members of the Ambulance Department.

(6) Ownership of Funds. Volunteer funds shall remain the property of the village until the funds are disbursed.

(7) Severability. If any provision of this ordinance is invalid or unconstitutional, or if the application of this ordinance to any person or circumstance is invalid or unconstitutional, the invalidity or unconstitutionality shall not affect the provisions or application of this ordinance which can be given effect without the invalid or unconstitutional provision or application.

1.12 FIRE DEPARTMENT REIMBURSEMENT⁵

Section 1: Purpose. The purpose of this ordinance is to establish the reimbursement of certain costs of emergency services provided by the Village.

⁵ Adopted as Ordinance No. 2 (2018/19) on May 14, 2018. See Volume 28, Page 1922.

Section 2: Authority. This ordinance is adopted under the Village's powers pursuant to Wis. Stat., § 61.34. It is also adopted pursuant to Wis. Stat., § 61.34(2) and is further adopted in accordance with the Mutual Aid Box Alarm System Standards and Procedures as set forth in Wisconsin Administrative Code section WEM 8.

Section 3: Recovery of Emergency Service Costs. Any and all extraordinary emergency service costs incurred by the Village shall, if billed pursuant to this ordinance, be paid by the owners of the real estate to which the particular emergency service call was made. The charges shall be in an amount equal to the Extraordinary Costs to the Village for the emergency service call. For purposes of this ordinance, "Extraordinary Costs" refer to costs beyond those that are customary for emergency calls and/or costs for consumable materials used in response to the call. Extraordinary Costs will be determined on a case-by-case basis based on the costs involved in the call. Factors to be considered in determining Extraordinary Costs shall include historical charges for emergency services, size or complexity of the emergency, whether mutual aid was involved, and whether extra materials or personnel were required. The Extraordinary Costs for common, but not necessarily all, billable emergency services shall be maintained in the Village's Fee Schedule. The Village may bill the owners' insurer, lessee, renter, or agent if the Village is unable to recover from the owners.

Section 4: Recovery of Emergency Service Costs for Vehicle Class on Village, Town, County, State, or Federal Highways. In the event that an emergency service call is made to a vehicle located on any Village, Town, County, State, or Federal highway, any and all Extraordinary Costs incurred by the Village in responding to the call shall, if billed pursuant to this ordinance, be paid by the owners of the vehicle that is subject to the emergency service call. The Village may bill the owners' insurer, lessee, renter, or agent if the Village is unable to recover from the owners.

Section 5: Recovery of Costs from Department of Transportation. If the Village incurs costs for a fire call on a state trunk highway or any highway that is part of the national system of interstate highways and maintained by the state Department of Transportation, the Department of Transportation shall reimburse the Village up to the reimbursement limit set for such costs, even if fire equipment is not actually used, if the Village submits written proof that the Village has made a reasonable effort to collect the cost from the insurer of the person to whom the fire call was provided or from the person to whom the fire call was provided. The Village may only attempt to collect costs in this manner if the Village is unsuccessful in its efforts to collect from the person's insurer or if the person has no insurer. If the Village collects the cost from an insurer or person after the Department reimburses the Village, the Village shall return the amount collected to the Department of Transportation.

Section 6: Penalties. Anyone who shall violate any provision of this ordinance shall, upon conviction thereof, forfeit not less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00), together with the cost of prosecution including reasonable attorneys' fees.

Section 7: Severability. Each of the provisions of this ordinance is severable and if any provision is held invalid for any reason, the remaining provisions shall not be affected but shall remain in full force and effect.