

# CHAPTER 1

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## GENERAL PROVISIONS<sup>1</sup>

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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All Ordinances heretofore adopted by the Village of Oostburg similar to or in conflict herewith are hereby repealed.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.
- (2) Affect any vested right, privilege, obligation or liability acquired, accrued or incurred under any enactment so repealed or amended, unless the

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<sup>1</sup>Adopted 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.

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- (3) Affect any offense committed or penalty or forfeiture incurred, previous to the time when any ordinance shall be repealed or amended, except when any forfeiture or penalty shall have been mitigated by the provisions of any ordinance, such provisions shall apply to and control any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for any offense, or the levy of any penalty or forfeiture pending at the time when any ordinance aforesaid shall be repealed or amended, but the right of action shall continue and the offender shall be subject to the penalty as provided in such ordinances and such prosecution shall proceed, in all respects, as if such ordinance or ordinances had not been repealed, except that all such proceedings had after the time this code shall take effect, shall be conducted according to the provisions of this code, and shall be, in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 Services<sup>2</sup>**

- 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 challenge to the amount of fees shall be by appeal to the Village Board, which shall decrease, affirm or increase the fees

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

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based upon the relevant records and the testimony presented.

<b>Village of Oostburg Fee Schedule (Table 1.10)</b>			
<b>General Category</b>	<b>License/Permit/Service</b>	<b>Authority/Date</b>	<b>Fee</b>
<b>Alcohol Licenses</b>			
	See Chapter 20		
<b>Building Permits</b>			
	See Developmental Code, Chapter 4, Table 4.1		
<b>Dog Licenses</b>			
	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
<b>Miscellaneous</b>			
	NSF Check	Ord 7-2007; 12-10-07	\$ 25.00
	Public Records – Copies	Ord 7-2007; 12-10-07	\$.25/page
	Public Records – Search fees (if costs exceed \$50)	Ord 7-2007; 12-10-07	\$ 15/hr
	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
<b>Tobacco</b>			
	Retailers Permit	11/9/09	\$25.00
<b>Zoning, Subdivision &amp; Land Use</b>			
	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 [Dev. Code 1.09.B.1.b]	Ord 8-2011; 8-8-11	\$50.00
	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	\$150.00
	Zoning Amendment [Dev. Code 1.09.G.2.c]	Ord 8-2011; 8-8-11	\$150.00

Last Revised August 8, 2011

**1.11 Charges for Fire Department Responses on Village, County, State or Federal Highways.<sup>3</sup>**

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 Funds<sup>4</sup>**

**(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 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

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

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

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.