

CHAPTER XV
GENERAL PROVISIONS

15.01 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) Wisconsin Statutes. The term Wisconsin Statutes whenever used in this Code shall mean those Statutes in force for the current year.

(2) Gender; Singular and Plural. Every word in this Code and in any Ordinance importing the masculine gender may extend and be applied 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 to 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.

(3) Person. The word "person" extends and applies to natural persons, firms, corporations, associations, partnerships or other bodies politic and all entities of any kind capable of being sued unless plainly inapplicable.

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

15.02 CONFLICT AND SEPARABILITY.

(1) Conflict of Provisions. 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 chapter.

(2) Separability of Code Provisions. If any section, subsection, sentence, clause or phrase of this Code is for any reason held to be invalid or unconstitutional by reasons 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 Village Board of the Village of Elmwood Park hereby declare 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.

15.03 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, deposited and kept shall be public records open for examination with proper care by any person during the Clerk's office hours, subject to such orders or regulations which the Clerk may prescribe for their preservation.

15.04 PENALTY PROVISIONS.

(1) General Penalty. Whenever so provided 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:

(a) First Offense - Penalty. Any person who shall violate any provisions of this Code subject to a penalty shall, upon conviction thereof, forfeit not less than \$50. 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 said forfeiture and costs are paid but not exceeding ninety (90) days.

(b) Second Offense - Penalty. Any person found guilty of violating any Ordinance or part of an Ordinance who shall previously have been convicted of a violation of the same Ordinance shall, upon conviction thereof, forfeit not less than \$200.00 for each such offense together with the 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 to exceed six (6) months.

(c) Third Offense – Penalty. Any person found guilty of violating any Ordinance or part of an Ordinance who shall previously have been convicted of a violation of the same Ordinance shall, upon conviction thereof, forfeit not less than \$400.00 for each such offense together with the 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 to exceed nine (9) months.

(2) Execution Against Defendant's Property. Whenever any person fails to pay any 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) Fine Schedule. See Section 15.10 for Ordinance Violation Fine Schedule for specific bail forfeitures. Defendant has been released from custody; issue an execution against the property of the defendant for said forfeiture and costs.

15.05 REPEAL OF GENERAL ORDINANCES.

All Ordinances heretofore adopted by the Village Board of the Village of Elmwood Park 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:

- (1) The issuance of corporate bonds and notes of the Village of Elmwood Park of whatever name or description.
- (2) The establishment of grades, curb lines and widths of sidewalks in the public streets or alleys.
- (3) The fixing of salaries of public officials and employees, if any.
- (4) Rights, licenses or franchises or the creation of any contract with the Village of Elmwood Park.
- (5) The lighting of streets and alleys.
- (6) The annexation of territory to the Village of Elmwood Park.
- (7) The naming and changing of names of streets, alleys, public grounds and parks.
- (8) The letting of contracts without bids.
- (9) Tax and special assessment levies.
- (10) Release of persons, firms or corporations from liability.
- (11) Construction of any public works.
- (12) Water, sewer and electric rates, rules and regulations and sewer and water main construction.
- (13) Budget, ordinances, resolutions and actions.

15.06 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 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 that 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 of 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.

15.07 TITLE: EFFECTIVE DATE: CITATION.

These Ordinances shall be known as the “Municipal Code of the Village of Elmwood Park” and shall take effect from and after passage and posting. All references thereto shall be cited by section number (example: Section 13.06, Municipal Code of the Village of Elmwood Park).

15.08 STYLE OF ORDINANCE: ADDITIONS, AMENDMENTS AND REPEALS.

All general Ordinances hereafter enacted by the Village Board of the Village of Elmwood Park shall be numbered in chronological order, prefixed by the letter “A” and shall indicate by appropriate decimal number the section, subsection or paragraph of this Code created, amended, repealed or revised.

15.09 CLERK TO FILE ORDINANCES: SUPPLEMENTAL SHEETS.

The Village Clerk shall certify one copy of this Code as the original Municipal Code of the Village of Elmwood Park and shall file same as part of the Village 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 Village of Elmwood Park in current form in which shall be inserted all supplemental sheets as hereinafter provided.

Whenever any Ordinance amending, repealing, revising or creating any section of this Code is adopted by the Village Board, the Clerk, after recording such Ordinance in the Ordinance Book, shall cause copies of such Ordinance to be reproduced on supplemental sheets in proper form for insertion in the Municipal Code and shall insert such Ordinances 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 Village Board to all persons requesting the same.

15.10 ORDINANCE VIOLATION FINE SCHEDULE.

1. Village of Elmwood Park Ordinance Schedule. The following schedule shall be the specified bail forfeitures. These shall take precedence over the General Bail Forfeitures referenced in 15.05 of this Chapter:

Ordinance Number	Description	Amount
1.07(2)	Smoking Prohibited at Village Hall	\$150.10
2.03	Failure to Comply with the Directives of Emergency Government	1 st Offense: \$200.50 2 nd Offense: \$389.50 3 rd Offense: \$641.50
3.01	Civilians to Assist (Failure to Aid Police Officer/Peace Officer)	1 st Offense: \$200.50 2 nd Offense: \$389.50 3 rd Offense: \$641.50
4.01	Adopting State Traffic Laws (See Bond Book for Circuit Court Schedule)	
4.01(3)	Violation of any Provision of Chapter MVD-5	\$50.00
4.02(2)	Stop Sign Violations	1 st Offense: \$50.00 2 nd Offense: \$100.00
4.02(3)	No Parking M-F 5:30am – 7:00pm in from of 3230 Lathrop Ave	\$50.00
4.02(4)	Overnight Parking between 2:00am – 6:00am	\$50.00
4.02(5)	Parking on Grass	\$50.00
4.03(2)	Heavy Traffic Exceeding Limitations in SS. 348.15 or SS. 348.16(3)	1 st Offense: \$389.50 2 nd Offense w/in 2 Years: \$767.50
5.06(5)	Hinder/Obstruct Fire Inspector Duties of Refuse to Perform a Lawful Direction Given by Fire Inspector	1 st Offense: \$200.50 2 nd Offense: \$389.50 3 rd Offense: \$641.50
5.07	False Fire Alarm	1 st Offense: \$200.50 2 nd Offense: \$389.50

		3 rd Offense: \$641.50
6.01(2)	Alter grade of any Street, Alley, Sidewalk or Public Ground	
		1 st Offense: \$200.50
		2 nd Offense: \$389.50
		3 rd Offense: \$641.50
6.02(1)	Unauthorized Sidewalk Construction and Repair	
		1 st Offense: \$200.50
		2 nd Offense: \$389.50
		3 rd Offense: \$641.50
6.03(1)	Construct or Maintain any Driveway Without Obtaining a Permit	
		1 st Offense: \$200.50
		2 nd Offense: \$389.50
		3 rd Offense: \$641.50
6.03(2)	Violation on the Specifications for Driveway Construction	
		1 st Offense: \$200.50
		2 nd Offense: \$389.50
		3 rd Offense: \$641.50
6.04(1)	Street and Sidewalk Excavations or Openings – Permit Required	
		1 st Offense: \$200.50
		2 nd Offense: \$389.50
		3 rd Offense: \$641.50
6.05(1)	Encroach Upon or in Any Way Obstruct/Encumber Any Street, Alley, Sidewalk, Public Ground or Public Land	
		1 st Offense: \$200.50
		2 nd Offense: \$389.50
		3 rd Offense: \$641.50
6.05(3)(a)	Street Privilege Without a Permit	
		1 st Offense: \$200.50
		2 nd Offense: \$389.50

		3 rd Offense: \$641.50
6.06(1)	Failure to Remove Snow and Ice from Sidewalk before 10am and Within 3 Hours of Daylight After It Ceases to Fall	1 st Offense: \$200.50 2 nd Offense: \$389.50 3 rd Offense: \$641.50
6.07	Failure to Comply with Tree Specifications	1 st Offense: \$200.50 2 nd Offense: \$389.50 3 rd Offense: \$641.50
6.08	Failure to Destroy Noxious Weeds	1 st Offense: \$200.50 2 nd Offense: \$389.50 3 rd Offense: \$641.50
6.09(4)	Recycling of Garbage and Refuse – Unauthorized Collection	1 st Offense: \$200.50 2 nd Offense: \$389.50 3 rd Offense: \$641.50
8.02(1)	Non-Compliant with Permit or Inspector	First Phase: \$350.00 Second Phase: \$750/day
8.07	Violations of Private Swimming Pools	1 st Offense: \$200.50 2 nd Offense: \$389.50 3 rd Offense: \$641.50
8.11	Violations of Erosion Control	1 st Offense: \$350.00 2 nd Offense: \$750.00
8.12	Violations of Accessory Structures	

		1 st Offense: \$200.50
		2 nd Offense: \$389.50
		3 rd Offense: \$641.50
8.13	Violations of Fences and Walls	
		1 st Offense: \$200.50
		2 nd Offense: \$389.50
		3 rd Offense: \$641.50
9.09(3)(a)	Parking on Grass on Private Property	\$50.00
10.10	Failure to Mow Grass/Weeds – Not to Exceed 1 ft in Height	
		1 st Offense: \$200.50
		2 nd Offense: \$389.50
		3 rd Offense: \$641.50
10.12	Failure to Comply with ANY Part of Keeping of Animals Code	
		1 st Offense: \$200.50
		2 nd Offense: \$389.50
		3 rd Offense: \$641.50
11.01(3)(a)(1)	Transient Merchant – Prohibited Practices	
		1 st Offense: \$200.50
		2 nd Offense: \$389.50
		3 rd Offense: \$641.50
11.02(2)	Violations of Storage of Boats (longer than 8' long), Trailers and Motor Homes	
		1 st Offense: \$200.50
		2 nd Offense: \$389.50
		3 rd Offense: \$641.50
12.01(1)	Discharging Firearms Prohibited	
		1 st Offense: \$200.50
		2 nd Offense: \$389.50
		3 rd Offense: \$641.50
12.01(2)	Throwing or Shooting of Arrows, Stones and Other Missiles Prohibited in Public Places	

		1 st Offense: \$200.50
		2 nd Offense: \$389.50
		3 rd Offense: \$641.50
12.01(3)	Burning Restrictions	
		1 st Offense: \$200.50
		2 nd Offense: \$389.50
		3 rd Offense: \$641.50
12.01(4)	Sales and Discharge of Fireworks Prohibited	
		1 st Offense: \$200.50
		2 nd Offense: \$389.50
		3 rd Offense: \$641.50
12.01(5)	Obstructing Street and Sidewalks from Free Passage	
		1 st Offense: \$200.50
		2 nd Offense: \$389.50
		3 rd Offense: \$641.50
12.01(6)	Obstructing a Police Officer or Firefighter	
		\$389.50
12.01(7)	Make, Carry, Possess, Sell, Give or Use any Type of Explosive Device	
		\$389.50
12.02(1)	Disorderly Conduct	
		1 st Offense: \$200.50
		2 nd Offense: \$389.50
		3 rd Offense: \$641.50
12.02(2)	Public Drunkenness	
		1 st Offense: \$200.50
		2 nd Offense: \$389.50
		3 rd Offense: \$641.50
12.02(3)	Loud and Unnecessary Noise	
		1 st Offense: \$200.50

		2 nd Offense: \$389.50
		3 rd Offense: \$641.50
12.02(4)	Resist or Interfere Officer	
		1 st Offense: \$200.50
		2 nd Offense: \$389.50
		3 rd Offense: \$641.50
12.02(5)	Assist Escape of Prisoner	
		1 st Offense: \$200.50
		2 nd Offense: \$389.50
		3 rd Offense: \$641.50
12.02(6)	Impersonating a Police Officer	
		1 st Offense: \$200.50
		2 nd Offense: \$389.50
		3 rd Offense: \$641.50
12.03(1)	Gambling, Lotteries, Fraudulent Devices and Practices Prohibited	
		1 st Offense: \$200.50
		2 nd Offense: \$389.50
		3 rd Offense: \$641.50
12.03(2)	Vagrancy and loitering Prohibited	
		1 st Offense: \$200.50
		2 nd Offense: \$389.50
		3 rd Offense: \$641.50
12.03(3)	Indecent Conduct and/or Language Prohibited	
		1 st Offense: \$200.50
		2 nd Offense: \$389.50
		3 rd Offense: \$641.50
12.03(4)(a)	Curfew – under 17 yoa (Sun – Thurs 10:30pm-5am) (Fri – Sat 12am-5am)	
		\$169.00

12.03(4)(b)	Parent, Guardian and/or Person Having Legal Custody to Permit Curfew Violation	\$200.50
12.04(1)	Destruction of Property (plus restitution)	1 st Offense: \$200.50 2 nd Offense: \$389.50 3 rd Offense: \$641.50
12.04(2)	Littering	1 st Offense: \$200.50 2 nd Offense: \$389.50 3 rd Offense: \$641.50
13	Various Public Nuisances	1 st Offense: \$200.50 2 nd Offense: \$389.50 3 rd Offense: \$641.50

15.11 RE-ADOPTION OF MUNICIPAL CODE OF VILLAGE OF ELMWOOD PARK.

(1) The Village Board of the Village of Elmwood Park, Racine County, Wisconsin, does hereby adopt and readopt the Municipal Code of such Village, as of the date hereof.

(2) All interested parties may inspect such Municipal Code of the Village of Elmwood Park in the office of the Village Clerk.

(3) Notice of such adoption and re-adoption of the Municipal Code of the Village of Elmwood Park shall be given by the posting of this Ordinance in accordance with the law in such case made and provided.