

CHAPTER 25-GENERAL PROVISIONS

CITY OF FENNIMORE

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25.01 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 be the Wisconsin Statutes for the year **1977** as the same may be amended from time to time.

(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 things as well as to one person or thing; provided that these rules 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 person, firms, corporations, associations, partnerships or other bodies politic and all entities of any kind capable of being sued unless plainly inapplicable.

(4) Acts of 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 requirement shall be construed to include all such acts when done by an authorized agent.

25.02 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

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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 of 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 phrases or portion thereof. The Mayor and the Common Council of the City of Fennimore 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.

25.03 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 section of this Code, are adopted by reference, they shall be deemed incorporated in this Code as if fully set forth herein and the City Clerk is hereby directed and required to file, deposit and keep in his office a copy of the Code, standard, rules, 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 at all reasonable time, subject to such orders or regulations which the Clerk may prescribe for their preservation.

25.04 PENALTY PROVISIONS

(1) General Penalty. Any person who shall violate any of the provisions of this Code for which a different penalty is not provided 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 such provision shall, upon conviction thereof, forfeit not less than \$10.00 nor more than \$100.00 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 said forfeiture and costs are paid, but not exceeding 30 days.

(b) Second Offense - Penalty. Any person who shall violate any such provision, and who has previously been convicted of a violation of the same section shall, upon conviction thereof, forfeit not less than \$10.00 nor more than \$200.00 for each offense together with the costs of prosecution, and in default of payment of said forfeiture and costs shall be imprisoned in the County Jail until said forfeiture and costs are paid, but not exceeding 60 days.

(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 City, 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.

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25.05 REPEAL OF GENERAL ORDINANCES

All ordinances heretofore adopted by the Common Council of the City of Fennimore are hereby repealed, except all ordinances or parts of ordinances relating to the following subject and not conflicting with any of the provisions of this Code.

The issuance of corporate bonds and notes of the City of Fennimore of whatever name or description.

The fixing of salaries of public officials and employees.

Rights, licenses or franchises or the creation of any contract with the City of Fennimore.

The lighting of streets and alleys.

The annexation of territory to the City of Fennimore.

The naming and changing of names of streets, alleys, public grounds and parks.

The letting of contracts without bids

Tax and special assessment levies.

Release of persons, firms or corporations from liability.

Construction of any public works.

Water, sewer and electric rates, rules and regulations and sewer and water main construction.

Budget ordinances, resolutions and actions.

25.06 EFFECT OF REPEALS

The repeal or amendment of any section or provision of this Code or of any other ordinance or resolution of the Common Council 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 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 judgment to be pronounced after such ordinance takes effect for any offense committed before that time.
- (4) After 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, by 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 of this Code shall take effect, shall be conducted according

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to the provisions of this Code, and shall be, in all respects, subject to the provisions of this Code.

25.07 TITLE: EFFECTIVE DATE: CITATION

This Code of Ordinances shall be known as the “Municipal Code of the City of Fennimore” and shall take effect on October 26, 1979. All reference thereto shall be cited by section number (example: s. 12.06, Municipal Code of the City of Fennimore).

25.08 STYLE OF ORDINANCES: ADDITIONS, AMENDMENTS AND REPEALS

All general ordinances hereafter enacted by the Common Council of the City of Fennimore 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.

25.09 CLERK TO FILE ORDINANCES: SUPPLEMENTAL SHEETS

The City Clerk shall certify one copy of this Code as the original Municipal Code of the City of Fennimore 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 Fennimore in current form in which shall be inserted all supplemental sheets as hereinafter provided.

Whenever any ordinance amending, repealing, revising or creating any action of this Code is adopted by the Common Council, the Clerk after recording such ordinance in the ordinance book, shall cause copies to 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 cost to all persons requesting the same.

25.045 FEES

(1) LICENSE, PERMIT AND SERVICE FEES. The following fees are established for licenses, permits and services within the City of Fennimore:

License Fees		
Class A Beer		\$100.00
Class A Liquor		\$300.00
Class B Beer		\$100.00
Class B Liquor		\$300.00
Class C Wine		\$100.00
Picnic License	beer-wine coolers	\$10.00
Picnic License	wine	\$10.00
Operators-New	2-year license (inc. \$5 appl. fee)	\$25.00

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Operators-Renewal	2-year license (inc. \$5 appl. fee)	\$25.00
Operators-Provisional	60-day license	\$15.00
Operators-Duplicate		\$10.00
Cigarette License		\$50.00
Bicycle		\$3.00
Mobile Home Park-Minimum		\$25.00
Mobile Home Park-Per Lot		\$2.00
Solicitors	Process registration	\$50.00/90 days \$100.00/annual
Large Assemblies-license	2000 or more people	\$100.00
Sales on Streets and Sidewalks		\$2.00
Pawnbroker's License		\$210.00
Secondhand Article Dealer's License		\$27.50
Jewelry Dealer's License		\$30.00
Secondhand Article Dealer's mall		\$165.00
Flea Market		\$165.00
Adult-oriented Establishments		\$300.00
Adult-oriented Establishments-Employee License		\$50.00

Building Permit Fees		
Building Permit Fee-Base		\$100.00
Fee per \$1,000 of value		\$2.00
Plumbing-Per \$1,000 of value		\$6.00
Electrical-Per \$1,000 of value		\$6.00
HVAC- Per \$1,000 of value		\$6.00
Additions:	Rooms	\$50.00
	Enclosed Porch	\$50.00
	Garage	\$50.00
	New fireplace	\$50.00
Structural Remodeling-Residential		\$50.00
Structural Remodeling-Commercial		\$100.00
Dept. of Commerce Seal		\$25.00
Late Penalty Fee		double permit fee
Zoning Fees		
Conditional Use Publication Fee		\$150.00
Conditional Use Meeting Fee		\$150.00
Demolition Permit		\$10.00
Fence Permit		\$10.00
Home Occupation Permit		\$20.00
Replat Parcel		\$75.00
Rezoning-Publication Fee		\$150.00
Rezoning Meeting Fee		\$150.00

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Sign Permit		\$25.00
Variance		\$150.00
Zoning Permit-Up to \$10,000		\$30.00
Additional \$1,000 value		\$2.00
Maximum Fee		\$50.00
Subdivision Ordinance Fees		
Preliminary Plat Map Review		\$150.00
Final Plat Review		\$150.00
CSM Review		\$100.00
Reapplication Fee		\$25.00
Engineering Fee		Actual cost
Inspection Fee		Actual cost
Public Site Fee	Per dwelling unit	\$100.00
Administrative Fee		Actual cost

Cemetery Fees		
Lot Sales		\$200.00
Perpetual Care		\$200.00
Grave Opening	Weekdays	\$450.00
Grave Opening	Weekends	\$500.00
Grave Opening	Cremation	\$100.00
Grave Opening	Baby	\$150.00
Disinterment		Actual cost

Garage and Recycling Fees		
Residential	Monthly	\$8.75
Commercial	Monthly	\$10.75
4-yd dumpster	1 pick up/week	\$125.32
4-yd dumpster	2 pick ups/week	\$213.80
6-yd dumpster	1 pick up/week	\$184.30
6-yd dumpster	2 pick up/week	\$287.52
4-yd dumpster	recycling	\$36.86
6-yd dumpster	recycling	\$51.51
Mattress (any size)		\$4.00
Box Spring (any size)		\$4.00
Appliance w/o Freon (any size)		\$15.00
Appliance w/ Freon (any size)		Do not accept
Couch/Love Seat/Recliner		\$5.00
Chair		\$3.00
Other Furniture	per 100 lbs	\$5.00
Carpeting	per 100 lbs	\$5.00
Bulk Metal		\$4.00
Television-under 27"		\$20.00

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Television-over 27"		\$25.00
Console TV & Big Screen TVs		\$30.00
Computer Monitor (any size)		\$15.00
Electronics		do not accept
Tires		do not accept
Shingles/Sheetrock	minimum	\$15.00
Shingles/Sheetrock	cubic yard	\$40.00
Shingles/Sheetrock	ton	\$65.00
Other Construction	cubic yard	\$30.00
Non-Construction	cubic yard	\$30.00

Pet License and Pick Up Fees		
Animal Pick up Fee		\$20.00
Animal Pound Fee	per day	\$10.00
Cat/Dog-Spayed/Neutered		\$3.00
Cat/Dog-Unspayed/Unneutered		\$8.00

Misc. Fees		
Copies-per page		\$0.25
FAX-per page		\$1.00
Fireworks Use Permit		
Title Company request for information		\$15.00

Park Use Fees		
RV Park	Per Night	\$10.00
Shelter Use	Local	\$-
	Non-local or for profit	\$25.00
Vendor Use	fee established, case-by case	

Police		
Parking Tickets	First 7 days	\$10.00
	8-21 days	\$20.00
	Over 21 days	\$40.00
Accident Reports		\$2.00

Recreation Fees		
Memorial Building Auditorium		
Local Community Service		
Local Organization fundraisers		
Commercial	Day or evening	\$25.00
	Day and evening	\$50.00
Institutional		
Household Auctions		\$150.00
Club Basketball	Per team	\$50.00

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	Maximum	\$150.00
Organizations that charge a fee		\$50.00
Ball Diamond/Concession Stand		
Local Community Service		\$-
For Profit		\$25.00
League and Tournament Fees		
Little League	Season, per team	\$50.00
	Maximum	\$150.00
Softball	Season, per team	\$50.00
	Maximum	\$150.00
Babe Ruth	Season, per team	\$50.00
	Maximum	\$150.00
Men's Leagues	Season, per team	\$50.00
	Maximum	\$150.00
Soccer	Season-league	\$50.00
Tournaments	Per day	\$25.00
	Deposit	\$25.00
Football field, with lights	Per evening (non-local)	\$100.00
Pool parties	Per hour	\$75.00
Equipment		
Tables-Commercial-Resident		\$1.00
Tables-Commercial-Non-Resident		\$2.00
Chairs-Resident		\$.25
Chairs-Non-Resident		\$.50
	Individuals may not rent tables or chairs	
	Schools may use at no charge, reciprocal	
	*Any of the above fees can be waived by the council	

Pool		
Family Pass	Resident	\$100.00
Family Pass	Non-Resident	\$125.00
Family Pass	Add babysitter	\$10.00
Individual Pass	Resident	\$40.00
Individual Pass	Non-Resident	\$50.00
Individual Pass	Sr. Citizen-Resident	\$30.00
Individual Pass	Sr. Citizen-Non-Resident	\$40.00
Daily Pass	Individual	\$3.00
Daily Pass	Sr. Citizen	\$2.00
Value Book	10 daily passes	\$25.00
Swimming Lessons	Individual	\$30.00

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Sidewalks		
	Installed by City-sq. ft.	\$2.10
	Contribution-sq. ft.	\$2.40
Curb & Gutter		
	Machine curb-lin. ft.	\$6.84
	Hand curb-lin. ft.	\$11.42

Memorial Building-Office Rent		
Sewer	Annually	\$2,500.00
Water	Annually	\$2,500.00
Electric	Annually	\$5,000.00
Diesel Plant-Land Rent	Annually	\$600.00

(2) PAYMENT. All fees are due and payable at or prior to the date on which an application or request for a license, permit or service is sought. Fees for services provided without an application or request for such service being made are due and payable 30 days after the date of invoice.

(3) OTHER MEANS OF COLLECTION. Nothing in this section shall be construed to prevent the City from collecting outstanding amounts owed by any other means of collection authorized by law including, but not limited to, assessment of special charges, small claims or other civil actions and the imposition of forfeitures.

(4) EFFECT. In the event the fees provided in this ordinance conflict with fees provided under any other ordinance in the municipal code, this ordinance shall control.

(updated 7/30/2015)