

Village of Sister Bay Code of Ordinances

Chapter 1

General Provisions

Table of Contents

Sec. 1.1 Designation and Citation of Code.....	1
Sec. 1.2 Definitions and Rules of Construction.....	1
Sec. 1.3 Catchlines of Sections.....	3
Sec. 1.4 References to Chapters or Sections.....	3
Sec. 1.5 References and Editor's Notes.....	3
Sec. 1.6 History Notes.....	3
Sec. 1.7 Provisions Considered as Continuation of Existing Ordinances.....	3
Sec. 1.8 Code Does Not Affect Prior Offenses, Rights, Etc.....	3
Sec. 1.9 Effect of Repeals or Amendments.....	3
Sec. 1.10 Certain Ordinances Not Affected by Code.....	3
Sec. 1.11 Issuance of Citations for Violations of Village Ordinances.....	4
Sec. 1.12 General Penalty.....	7
Sec. 1.13 Deposit for Forfeiture in Lieu of Court Appearance.....	7
Sec. 1.14 Deposit for Forfeiture in Lieu of Court Appearance for Continuing Violation.....	7
Sec. 1.15 Clerk-Treasurer to File Ordinances, Supplements.....	7
Sec. 1.16 Failure of Officers to Perform Duties.....	7
Sec. 1.17 Responsibility for Acts; Aiding and Abetting.....	7

Village of Sister Bay Code of Ordinances

Sec. 1.1 Designation and Citation of Code.

Sec. 1.2 Definitions and Rules of Construction.

Sec. 1.1 Designation and Citation of Code.

The ordinances embraced in this and the following chapters and sections shall constitute and be designated the "Municipal Code of the Village of Sister Bay, Wisconsin," and may be so cited. State law references: Authority to codify ordinances, Wis. Stats. § 66.0103.

Sec. 1.2 Definitions and Rules of Construction.

The following words, terms and phrases, when used in this Code, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Generally. Words shall be construed in their common and usual significance unless the contrary is clearly indicated.

And/or. The term "and" may be read as "or" and the term "or" may be read "and" where the sense requires it.

Board, Village Board. Whenever the terms "board" and "village board" are used without qualification, they shall read as if the phrase "of Sister Bay, Wisconsin," followed such terms.

Code. Whenever the term "Code" is used without further qualification, it shall mean the "Municipal Code of the Village of Sister Bay, Wisconsin," as designated in section 1.1.

County. The term "County" shall mean the County of Door, Wisconsin.

Delegation of authority. Whenever a section of this Code requires or authorizes an officer or employee of the Village to do some act or perform some duty, it shall be construed to authorize the officer or employee to designate, delegate and authorize subordinates to perform the act or duty unless the terms of the provision or section specifically provide otherwise.

Gender. A term importing the masculine gender only shall extend and be applied to females and to firms, partnerships, corporations as well as to

males, unless the intention to give a more limited meaning is disclosed by the context. State law references:

Joint authority. Terms purporting to give authority to three or more officers or other persons shall be construed as giving such authority to a majority of such officers or other persons, unless otherwise provided. State law references: Similar provisions, Wis. Stats. § 990.001(8).

May. The term "may" shall be construed as being permissive.

Month. The term "month" shall mean a calendar month.

Number. Any term importing the singular may extend and be applied to the plural as well as to the singular number and vice versa. State law references: Similar provisions, Wis. Stats. § 990.001(1).

Oath. The term "oath" includes affirmation in all cases where by law an affirmation may be substituted for an oath. If any oath or affirmation is required to be taken, such oath or affirmation shall be taken before and administered before some officer authorized by the laws of this state, to administer oaths, at the place where the oath is required to be taken or administered, unless otherwise expressly directed, and, when necessary, duly certified by such officer. If an oath is administered, it shall end with the words "so help me God." In actions and proceedings in the courts, a person may take an oath or affirmation in communication with the administering officer by telephone or audiovisual means. State law references: Similar provisions, Wis. Stats. § 990.01(24).

Officers and employees generally. Whenever any officer or employee is referred to by title, such as "clerk-treasurer" or "health officer," such reference shall be construed as if followed by the terms "of the Village of Sister Bay, Wisconsin."

Owner. The term "owner," as applied to a building or land, shall include any part owner, joint owner, tenant in common, tenant in partnership or joint tenant, of the whole or of a part of such building or land.

Village of Sister Bay Code of Ordinances

Sec. 1.2 Definitions and Rules of Construction.

Sec. 1.2 Definitions and Rules of Construction.

1 Person. The term "person" shall extend and
2 be applied to associations, clubs, so-
3 cieties, firms, partnerships, LLC's, LLP's
4 and bodies politic and corporate as
5 well as to individuals.
6
7 Personal property. The term "personal prop-
8 erty" includes every species of proper-
9 ty except real property.
10
11 Preceding, following. The terms "preceding"
12 and "following" mean next before and
13 next after, respectively.
14
15 Property. The term "property" shall include
16 real, personal and mixed property.
17
18 Real property. The term "real property" shall
19 include lands, tenements and here-
20 ditaments and attachments thereto.
21
22 Shall. The term "shall" will be construed as
23 being mandatory.
24
25 Sheriff. The term "sheriff" shall be construed
26 as if followed by the terms "of Door
27 County, Wisconsin."
28
29 Signature. If the signature of any person is
30 required by law, it shall always be the
31 writing of such person, or, if the per-
32 son is unable to write, the person's
33 mark or the person's name written by
34 some other person at the person's re-
35 quest and in the person's presence in-
36 cluding electronic signatures. State
37 law references: Similar provisions,
38 Wis. Stats. § 990.01(38).
39
40 State. The term "state" shall mean the State of
41 Wisconsin.
42
43 Street. The term "street" shall include any
44 highway, street, avenue, boulevard,
45 road, alley, lane, or viaduct in the vil-
46 lage, dedicated or devoted to public
47 use.
48
49 Tenant, occupant. The terms "tenant" and "oc-
50 ccupant," applied to a building or land,
51 shall include any person holding a
52 written or oral lease thereof or who
53 occupies the whole or part of a build-
54 ing or land, either alone or with oth-
55 ers.
56

57 Tense. Terms used in the past or present tense in-
58 clude the future as well as the past and pre-
59 sent.
60
61 Time computation.
62 (1) The time within which an act is to be done or
63 a proceeding had or taken shall be comput-
64 ed by excluding the first day and including
65 the last. When any such time is expressed in
66 hours, the whole of Sunday and of any legal
67 holiday, from 12:00 midnight to 12:00 mid-
68 night, shall be excluded.
69 (2) If the last day within which an act is to be
70 done or a proceeding had or taken falls on a
71 Sunday or legal holiday, the act may be done
72 or the proceeding had or taken on the next
73 secular day.
74 (3) When the last day within which a proceed-
75 ing is to be had or an act done, which con-
76 sists of any payment to or the service upon
77 or the filing with any officer, agent, agency,
78 department or division of the state or any
79 county, city, village, town, school district or
80 other subdivision of the state, of any money,
81 return, statement, notice or other document,
82 falls on a Saturday and the duly established
83 official office hours of such officer, agent,
84 agency, department or division to which
85 such payment is to be made or with which
86 such return, statement, report, notice or
87 other document is required to be filed do
88 not include any office hours thereof on such
89 Saturday, the proceeding may be had or tak-
90 en or such act may be done on the next suc-
91 ceeding day that is not a Sunday or a legal
92 holiday.
93 (4) Regardless of whether the time limited in
94 any statute for the taking of any proceeding
95 or the doing of any act is measured from an
96 event or from the date or day on which such
97 event occurs, the day on which such event
98 took place shall be excluded in the compu-
99 tation of such time.
100 (5) The term "legal holiday," as used in this defi-
101 nition, means any statewide legal holiday
102 provided in Wis. Stats. § 895.20. When an
103 act is permitted to be done by the use of the
104 postal service and the last day within the
105 time prescribed by law for performing such
106 act falls on a legal holiday designated by the
107 President such that the postal service does
108 not receive registered mail or make regular
109 deliveries on that day, the day shall be con-
110 sidered a legal holiday for purposes of this
111 section.
112

Village of Sister Bay Code of Ordinances

Sec. 1.3 Catchlines of Sections.

Sec. 1.10 Certain Ordinances Not Affected by Code.

1 Village. The term "Village" shall mean the Vil-
2 lage of Sister Bay, Wisconsin.

3
4 Wis. Stats. and statute. The abbreviation "Wis.
5 Stats." and the term "statute" shall
6 mean the official Wisconsin Statutes,
7 as amended.

8
9 Written, in writing. The terms "written" and "in
10 writing" shall be construed to include
11 any representation of terms, letters or
12 figures, whether by printing or other-
13 wise.

14
15 Year. The term "year" shall mean a calendar
16 year.

Sec. 1.3 Catchlines of Sections.

17 The catchlines of the several sections of this
18 Code printed in boldface type are intended
19 as mere catchwords to indicate the contents
20 of the sections and shall not be deemed or
21 taken to be titles of such sections, nor as any
22 part of the sections; nor, unless expressly so
23 provided, shall they be so deemed when any
24 such sections, including the catchlines, are
25 amended or reenacted.

Sec. 1.4 References to Chapters or Sections.

26
27 All references to chapters or sections are to
28 the chapters and sections of this Code unless
29 otherwise specified.

Sec. 1.5 References and Editor's Notes.

30
31
32
33
34
35
36
References and editor's notes following cer-
tain sections are inserted as an aid and guide
to the reader and are not controlling nor
meant to have any legal effect.

Sec. 1.6 History Notes.

37
38
39
40
41
42
The history notes appearing in parentheses
after sections of this Code are not intended
to have any legal effect, but are merely in-
tended to indicate the source of matter con-
tained in the section.

Sec. 1.7 Provisions Considered as Continuation of Existing Ordinances.

43
44
45
46
47
48
49
The provisions appearing in this Code so far
as they are the same as ordinances existing at
the time of adoption of this Code shall be
considered as a continuation thereof and
not new enactments.

Sec. 1.8 Code Does Not Affect Prior Offenses, Rights, Etc.

50
51
52
53
54
55
56
Nothing in this Code or the ordinance adopting this
Code shall affect any offense or act committed or
done, or any penalty or forfeiture incurred, or any
contract or right established or accruing before the
effective date of this Code.

Sec. 1.9 Effect of Repeals or Amendments.

- 57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72
73
74
75
76
77
78
79
80
81
82
83
84
85
86
87
88
89
90
91
92
93
(a) The repeal of an ordinance or portion of this
Code shall not revive any ordinance or por-
tion of this Code in force before or at the
time the provision repealed took effect.
(b) The repeal of an ordinance or a portion of
this Code shall not affect any prosecution,
punishment or penalty incurred or pending
before the repeal took effect, nor any suit,
prosecution or proceeding pending at the
time of the repeal, for an offense committed
under the provision repealed, except that
when any forfeiture or penalty shall have
been mitigated by the provisions of any or-
dinance, such provisions shall apply to and
control any judgment to be pronounced af-
ter such ordinance takes effect for any of-
fense committed before that time.
(c) The repeal or amendment of any section or
provision of this Code or of any other ordi-
nance by the Village Board shall not affect
any vested right, privilege, obligation or lia-
bility acquired, accrued or incurred under
any enactment so repealed or amended, un-
less such obligation or privilege has been re-
served by the village. A right of action shall
continue and any offender shall be subject
to the forfeiture or penalty as provided in this
Code or ordinances and prosecution shall
proceed, in all respects, as if such provision
or ordinance had not been repealed or
amended, except that proceedings has after
the effective date of adoption of this Code,
shall be conducted according to the provi-
sions of this Code, and shall be, in all re-
spects, subject to the provisions of this
Code.

Sec. 1.10 Certain Ordinances Not Affected by Code.

- 94
95
96
97
98
99
100
101
(a) Nothing in this Code or the ordinance
adopting this Code shall be construed to re-
peal or otherwise affect the validity of any of
the following when not inconsistent with this
Code:

Village of Sister Bay Code of Ordinances

Sec. 1.11 Issuance of Citations for Violations of Village Ordinances.

Sec. 1.11 Issuance of Citations for Violations of Village Ordinances.

- 1 (1) Any offense or act committed
2 or done or any penalty or for-
3 feiture incurred before the ef-
4 fective date of this Code.
5 (2) Any ordinance promising or
6 guaranteeing the payment of
7 money for the village or author-
8 izing the issuance of any bonds
9 or notes of the village, any evi-
10 dence of the village's indebt-
11 edness, or any contract, right,
12 agreement, lease, deed or oth-
13 er instrument or obligation as-
14 sumed by the village.
15 (3) Any administrative ordinances
16 of the village not in conflict or
17 inconsistent with the provisions
18 of this Code, including but not
19 limited to letting contracts
20 without bids and releasing per-
21 sons from liability.
22 (4) Any right or franchise granted
23 by any ordinance.
24 (5) Any ordinance dedicating,
25 naming, establishing, locating,
26 relocating, opening, paving,
27 widening, repairing, vacating,
28 etc., any street, alley or public
29 way in the village.
30 (6) Any appropriation ordinance.
31 (7) Any ordinance levying or im-
32 posing taxes or levying special
33 assessments or taxes.
34 (8) Any ordinance prescribing
35 through streets, parking and
36 traffic regulations, speed limits,
37 one-way traffic, limitations on
38 load weights of vehicles, or
39 loading zones.
40 (9) Any ordinance or amendment
41 to the zoning map.
42 (10) Any ordinance establishing and
43 prescribing the street grades of
44 any street in the village.
45 (11) Any ordinance providing for lo-
46 cal improvements, assessing
47 taxes therefore and prescribing
48 utility rates and fees.
49 (12) Any ordinance dedicating or
50 accepting any plat or subdivi-
51 sion in the village.
52 (13) Any ordinance regarding ani-
53 mals not codified in this Code.
54 (14) Any ordinance regarding the
55 location of fire hydrants.
- 56 (15) Any ordinance annexing land.
57 (16) Any ordinance annexing territory or
58 excluding territory or any ordinance
59 extending the boundaries of the vil-
60 lage.
61 (17) Any ordinance establishing positions,
62 classifying positions, or setting salaries
63 of village officers and employees, or
64 any personnel regulations.
65 (18) Any temporary or special ordinances.
66 (19) Any ordinance calling an election.
67 (20) Any charter ordinance unless re-
68 pealed by charter ordinance.
69 (21) The village's schedules of fees and
70 charges.
71 (b) All such ordinances in subsection (a) of this
72 section are hereby recognized as continuing
73 in full force and effect to the same extent as if
74 set out at length herein. All ordinances are
75 on file in the clerk-treasurer's office.
- Sec. 1.11 Issuance of Citations for Violations
of Village Ordinances.**
(Amended Ordinance No. 103-110904)
(a) Purpose and statutory authority. Pursuant to
Wis. Stats. § 66.0113, the Village Board elects
to grant authority to use the citation method
of enforcement of Village ordinances de-
scribed in this section, other than those for
which a statutory counterpart exists.
(b) Form of citation. The citation shall contain the
following:
(1) The name and address of the alleged
violator.
(2) The factual allegations describing the
alleged violation.
(3) The time and place of the offense.
(4) The section of the ordinance violated.
(5) A designation of the offense in such a
manner as can be readily understood
by a person making a reasonable ef-
fort to do so.
(6) The time at which the alleged violator
may appear in court.
(7) A statement which in essence informs
the alleged violator that:
a. The alleged violator may make
a cash deposit of a specified
amount to be mailed to a
specified official within a speci-
fied time.
b. If the alleged violator makes a
deposit, he need not appear in

Village of Sister Bay Code of Ordinances

Sec. 1.11 Issuance of Citations for Violations of Village Ordinances.

Sec. 1.11 Issuance of Citations for Violations of Village Ordinances.

1		56	
2		57	
3	c.	58	
4		59	
5		60	
6		61	
7		62	
8		63	
9		64	
10		65	
11		66	e.
12		67	
13		68	
14		69	
15		70	
16		71	
17		72	
18		73	
19		74	
20		75	
21		76	
22		77	
23		78	
24		79	
25		80	(8)
26		81	
27		82	
28		83	
29		84	
30		85	
31		86	
32		87	
33	d.	88	
34		89	
35		90	(9)
36		91	
37		92	(c)
38		93	
39		94	
40		95	
41		96	
42		97	
43		98	
44		99	
45			
46			
47			
48			
49			
50			
51			
52			
53			
54			
55			

Village of Sister Bay Code of Ordinances

Sec. 1.11 Issuance of Citations for Violations of Village Ordinances.

Sec. 1.11 Issuance of Citations for Violations of Village Ordinances.

1
2

Ordinance Title	Basic Deposit	Penalty Assess	Jail Assess.	Automation Fees	Court Costs	Total Deposit
1st & 2 nd Offense Disorderly Conduct (\$100.00)	\$100.00	\$24.00	\$17.00	\$77.00	\$25.00	\$243.00
Parking Violations (1st Offense - \$25.00 - \$50.00)	See Note 1	4.80	17.00	77.00	25.00	148.80
Parking Violations (2nd Offense- \$55.00 - \$100.00)	See Note 2.	12.00	17.00	77.00	25.00	186.00
Village Park Regulation Violations (1st & 2nd Offenses - \$25.00)	25.00	6.00	17.00	77.00	25.00	150.00
Zoning Violations	100.00	24.00	17.00	77.00	25.00	243.00
Sign Violations	100.00	24.00	17.00	77.00	25.00	243.00
Other Violations	25.00	6.00	17.00	77.00	25.00	150.00

3
4
5
6
7
8
9
10
11
12
13
14
15
16

The amount of the total deposit shall be revised by any change in the penalty assessment, jail assessment, automation fees or court costs, as provided under statute and law and as set forth in the revised uniform state traffic deposit schedule adopted by the Wisconsin Judicial Conference. Deposits shall be made in cash, money order or certified check to the Clerk of Circuit Court for the County, who shall provide a receipt therefore.

17
18
19
20
21
22
23
24
25
26
27
28
29

Note 1: A cash deposit of \$25 in lieu of Court appearance is permitted. No court costs, assessments or other fees will be imposed. If the violator does not appear in Court or pay the \$25 by the date indicated on his or her parking citation the required cash deposit will automatically increase to \$50.

Note 2: A cash deposit of \$55 in lieu of Court appearance is permitted. No court costs, assessments or other fees will be imposed. If the violator does not appear in Court or pay the \$55 by the date indicated on his or her

Village of Sister Bay Code of Ordinances

Sec. 1.12 General Penalty.

Sec. 1.17 Responsibility for Acts; Aiding and Abetting.

1 parking citation the required cash de-
2 posit will automatically increase to
3 \$100.

4 (Parking violations amended Ordinance
5 No. 175-081110)

6 (d) Issuance of citation. The following may
7 issue citations with respect to the
8 ordinances in subsection (c) of this
9 section which are directly related to
10 their official responsibilities: Village
11 Zoning Administrator, Constable,
12 Chief of Police or any other Village
13 law enforcement officer; the Sheriff or
14 any Deputy Sheriff of the County
15 Sheriff's Department; and any State
16 law enforcement officer.

17 Sec. 1.12 General Penalty.

18 (a) Unless another penalty is expressly
19 provided in this Code or in any ordi-
20 nance of the village, any person who
21 shall violate any of the provisions of
22 this Code shall, upon conviction of
23 such violation, be subject to forfei-
24 ture, which shall be as follows:

25 (1) First offense. For a first offense,
26 a forfeiture of not less than
27 \$10.00 nor more than \$500.00,
28 together with costs of prosecu-
29 tion including but not limited
30 to attorney fees, and in default
31 of payment of such forfeiture
32 and costs of prosecution shall
33 be imprisoned in the county jail
34 until such forfeiture and costs
35 are paid, but not exceeding 90
36 days.

37 (2) Second offense. Any person
38 found guilty of violating any ordi-
39 nance or provision of this
40 Code who shall previously have
41 been convicted of a violation of
42 the same ordinance or provi-
43 sion shall, upon conviction
44 thereof, forfeit not less than
45 \$50.00 nor more than \$500.00
46 for each such offense, together
47 with costs of prosecution in-
48 cluding but not limited to at-
49 torney fees and in default of
50 payment of such forfeiture and
51 costs shall be imprisoned in the
52 county jail until such forfeiture
53 and costs of prosecution are

54 paid, but not to exceed six months.

55 (b) The imposition of forfeiture does not pre-
56 vent revocation or suspension of a license,
57 permit or franchise.

58 Sec. 1.13 Deposit for Forfeiture in Lieu of 59 Court Appearance.

60 Any person charged with violating any provision,
61 section or chapter of this Code for which no other
62 deposit amount is expressly provided may pay a
63 deposit of \$400.00, plus costs, at the Sheriff's office
64 in lieu of a court appearance. Persons wishing to
65 contest charges may contact the Sheriff's office to
66 arrange a court appearance date.

67 Sec. 1.14 Deposit for Forfeiture in Lieu of 68 Court Appearance for Continuing Violation.

69 Any person charged with a continuing violation of
70 any provision, section or chapter of this Code, for
71 which each day constitutes a separate offense, and
72 for which no other deposit amount is expressly
73 provided, may pay \$150.00 per day, plus costs,
74 from the date of the first violation to and including
75 the date the deposit is made, in lieu of court ap-
76 pearance, at the Sheriff's office. Persons wishing to
77 contest charges may contact the Sheriff's office to
78 arrange a court appearance date.

79 Sec. 1.15 Clerk-Treasurer to File Ordinances, 80 Supplements

81 The Clerk-Treasurer shall certify one copy of this
82 Code as the original Municipal Code of the Village
83 of Sister Bay, Wisconsin, and shall file the Code as
84 being part of the Village Ordinance book with a
85 true and correct copy to the Village Library. In addi-
86 tion, the Clerk-Treasurer shall retain in the office at
87 least one copy of the Municipal Code of the Village
88 of Sister Bay, Wisconsin, in current form in which
89 shall be inserted all supplements as herein provid-
90 ed.

91 Sec. 1.16 Failure of Officers to Perform 92 Duties.

93 The failure of any officer or employee of the village
94 to perform any official duty imposed by this Code
95 shall not subject such officer or employee to the
96 penalty imposed for violations of this Code, unless
97 a penalty is specifically provided for such act or
98 omission.

99 Sec. 1.17 Responsibility for Acts; Aiding and 100 Abetting.

101 Every person concerned in the commission of any
102 act prohibited by this Code, whether he directly

Village of Sister Bay Code of Ordinances

Sec. 1.17 Responsibility for Acts; Aiding and Abetting.

Sec. 1.17 Responsibility for Acts; Aiding and Abetting.

- 1 commits the act or prosecutes, counsels,
- 2 aids or abets in its commission, may be
- 3 prosecuted and, upon conviction, is punish-
- 4 able as if he had directly committed such act.