

CHAPTER 11: GENERAL PROVISIONS

11.01 RULES OF CONSTRUCTION AND DEFINITIONS

In the construction of this code or general ordinances, the following rules and definitions shall be observed unless such construction would be inconsistent with the manifest intent of the ordinance or the ordinance itself sets forth its own definition.

A. 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.

B. 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 to being sued unless plainly inapplicable.

C. 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.

D. 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 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 a Sunday or legal holiday, the act may be done or the proceeding had or taken on the next secular day.

E. LICENSE, PERMITS: The term “license” used in this code shall also mean permit where applicable.

F. HEALTH OFFICER: “Health Officer” shall mean the County Health Officer.

G. TOWN: “Town” shall mean the Town of Mosel.

H. PLAN COMMISSION: “Plan Commission” shall mean the Town of Mosel Town Planning and Zoning Commission.

11.02 CONFLICT AND SEPARABILITY

A. 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.

B. SEPARABILITY OF CODE PROVISIONS: If any section, subsection, sentence, clause or phrase of this code or any ordinance of the Town 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, phrase or portion thereof. The Town Chairman and Town Board of the Town 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.

11.03 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 Town 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, subject to such orders or regulations which the Clerk may prescribe for their preservation.

11.04 PENALTY PROVISIONS

A. 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, by subject to a penalty, which shall be as follows:

- (1) First Offense – Penalty.** Any person found guilty of violating any ordinance or part of any ordinance of this code referring to this section, upon conviction thereof, shall 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 90 days.
- (2) Second Offense – Penalty.** Any person found guilty of violating any ordinance or part of any ordinance of this code referring to this section who shall previously have been convicted of a violation of the same ordinance shall upon conviction thereof, forfeit not less than \$10.00 nor more 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 said forfeiture and costs of prosecution are paid, but not to exceed six (6) months.

B. TRAFFIC FORFEITURES: Any forfeiture for violation of the State Statutes adopted by reference in Section 5.08 of this ordinance shall conform to the forfeiture permitted to be imposed by violation of such statutes as set forth in the Uniform Deposit and Misdemeanor and Bail Schedule of the Wisconsin Judicial Conference, including any variations or increases for subsequent offenses, which schedule is adopted by reference.

11.05 FEES AND CHARGES

The following fees shall be charged for permits or licenses unless otherwise set forth in this ordinance or under the laws of the State of Wisconsin or ordinances of Sheboygan County. All fees set forth hereunder are annual fees unless otherwise indicated.

Town of Mosel Schedule of Fees	
License/Service	Fee
Alcohol Beverage & Tobacco Products Licensing	
“Class A” Liquor Retail	\$300
Class “A” Malt Beverage (Beer) Retail	\$50
“Class B” Liquor Retail	\$300
Class “B” Malt Beverage (Beer) Retail	\$100
“Class B” Liquor, Reserve – Initial Issuance Fee	\$10,000
“Class C” Wine Retail	\$100
Provisional Class “A” Beer, “Class A” Liquor, Class “B” Beer, “Class B” Liquor or “Class C” Retail Licenses	\$15
Temporary Class “B” Malt Beverage Retail	\$10
Temporary “Class B” Wine Retail (no charge if apply for Temporary Class “B” Malt Beverage at same time)	\$10
Cigarette License	\$15
Operator License	\$20
Provisional Operator’s License	\$15
Temporary Operators License	\$5
Wholesaler’s License, Fermented Malt Beverage	\$25
Building, Razing, and Sanitary Permits	
<u>Administrative Building Permits</u>	
(cost for each permit equals administrative fee plus cost per \$1000 in value up to a maximum of \$1010 per permit)	
Administrative Fee, per permit	\$10
Cost per \$1000, or fraction thereof, in value [value as determined by Mosel Municipal Code, section 8.04(3)(a)(1) & (2)]	\$2
Building Inspections	\$50 per inspection
<u>Building Permits (New Homes)</u>	
a) Up to 2,000 sq. ft.	\$300
b) 2,001 sq. ft – 5,000 sq. ft	\$350

Town of Mosel Schedule of Fees	
License/Service	Fee
c) 5,001 sq. ft. plus	\$450
d) Electrical Service	\$45
e) Electrical Upgrade	\$90
f) Plumbing	\$135
g) Heating/A.C.	\$90
h) State of Wisconsin Stamp	\$30
i) Escrow	\$1,300
j) Town of Mosel-Administrative Fee per permit	\$10
k) Town of Mosel-cost per \$1,000, or fraction thereof, in value	\$2
<u>Late Permit Fees</u>	
a) Work begun prior to obtaining permit (reported by owner/owner's agent)	\$25 plus permit fees
b) Work begun prior to obtaining permit (not reported by owner/owner's agent)	\$25 plus double permit fees
<u>Permit for Moving a Building Over a Public Way</u>	
a) primary building	\$25
b) accessory building	\$10
c) proof of insurance, required amount	\$100,000
Razing Permits (removal, without replacement, of any structure or portion of structure, late fees do not apply)	\$10
<u>Sanitary Permits</u>	
a) Holding Tank Reserve Deposit-Residential/Small Business (less than 5 employees)	\$200
b) Holding Tank Reserve Deposit-Commercial (5 or more employees)	\$500
<u>Dog Licensing</u>	
a) Spayed/neutered	\$6
b) Un-spayed, un-neutered	\$13
c) Multiple (one per person)	\$60
d) Additional Multiple tags	\$5
e) Late fee	\$10
<u>Land Use, Zoning and Variance Applications & Permits</u>	
Board of Appeals Application (including variances)	\$300
Conditional Use Permit Application or Conditional Use Permit Amendment	\$200
Rezoning Petition or Zoning Ordinance Text Change Petition	\$350
<u>Land Development Fees</u>	
a) Preliminary Consultation/Concept Plan Review	\$150
b) Certified Survey Map Approval	\$25
c) Preliminary Plat Review & Approval	\$250
d) Final Plat Review & Approval (same for each phase of Final Plats submitted in phases)	\$50 + \$10/lot
e) Driveway Permit Application	\$35
f) Driveway Permit Renewal	\$10
Purchase of Development Rights (Code Sec.7.14-BLPP) (purchase amount per acre)	\$2,000
<u>Mobile Home Parks</u>	
a) For each 50 spaces or fraction	\$250
b) Transfer of license	\$10
Sign Permit (for signs in B-1 & I-1 districts only, all other districts – no charge)	\$10

<u>Trailer Camp License</u>	
a) Each space	\$25
b) Minimum fee	\$100
c) Transfer of license	\$10
d) Monthly fee for each trailer	Set by assessor
Public Records Fees	
Faxing (sending or receiving faxes)	\$0.25/page
Photocopies (1-3 copies, no charge; 4 or more copies, each \$0.25)	\$0.25/copy
Record location and research (charged only if total cost for research will exceed 2 hours/\$40)	\$20/hour
Subscription to Town Board agendas and minutes (mail or fax copies)	\$25/year \$1.50/meeting
Subscription to Planning & Zoning Commission agendas and minutes (mail or fax copies)	\$15/year \$1.50/meeting
Miscellaneous Permits and Fees	
Fireworks	\$25
Junk and junked vehicle dealers permit	\$200/year
NSF Check	\$25
Replace lost or destroyed license or permit or dog tag	\$10
Request to Call a Special Meeting of the Town Board or Planning & Zoning Commission (for any purpose)	\$150
Special Assessment letters	\$10
Transient Merchant Fees	
Registration Fee	\$20
Background Check	Actual Cost
Immanuel Lutheran Cemetery	
Marking Fee	\$40
Single Grave	\$300
2 Graves	\$500
3 Graves	\$750
4 Graves	\$1,000
5 Graves	\$1,250
6 Graves	\$1,500
7 Graves	\$1,750
8 Graves	\$2,000

11.06 REPEAL OF GENERAL ORDINANCES

All ordinances heretofore adopted by the Town of Mosel similar to or in conflict herewith are hereby appealed.

11.07 EFFECT OF REPEALS

The repeal or amendment of any section or provisions of this code or of any other ordinances or resolution of the Town Board shall not:

A. By implication be deemed to revive any ordinance not in force or existing at the time at which such repeal or amendment takes effect.

B. 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 Town.

C. 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 forfeitures 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.

D. 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.

11.08 EFFECTIVE DATE - CITATION

These ordinances shall be known as the “Municipal Code of the Town of Mosel” and shall take effect from and after passage and publication. All references thereto shall be cited by section number. Publication April 8, 1983.