

CHAPTER 11: GENERAL PROVISIONS

11.01 RULES OF CONSTRUCTION AND DEFINITIONS

In the construction of this code of general ordinances, the following rules and definitions will be observed unless such construction would be inconsistent with the 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 will not be applied to any provisions which will 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 will 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 will 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, will 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 will also mean permit where applicable.

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

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

H. PLAN COMMISSION: “Plan Commission” will 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 will 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 will 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 will be deemed incorporated in this code as if fully set forth herein and the Town Clerk-Treasurer 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 will be public records open for examination with proper care by any person, subject to such orders or regulations which the Town Clerk-Treasurer may prescribe for their preservation.

11.04 PENALTY PROVISIONS

A. GENERAL PENALTY: Whenever so provided in this code, any person who will violate any of the provisions of this code will upon conviction of such violation, by subject to a penalty, which will 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, will 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 will 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 will previously have been convicted of a violation of the same ordinance will 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 will 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 5.07 of this ordinance will 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

For permits, licenses and municipal services issued or provided by the Town it shall receive the fees indicated on the Town of Mosel Schedule of Fees, as updated and amended from time to time by the Town Board.

TOWN OF MOSEL SCHEDULE OF FEES	
License/Service	Fee
Alcohol Beverage & Tobacco Products Licensing	
Class "A" Retail Fermented Malt Beverage	\$50
"Class A" Retail Intoxicating Liquor	\$300
Class "B" Malt Beverage (Beer) Retail	\$100
"Class B" Retail Intoxicating Liquor	\$300
"Class B" Retail Intoxicating Liquor, Reserve – Initial Issuance Fee	\$10,000
"Class C" Retail Wine	\$100
Provisional Retail, per class	\$15
Temporary Retail Class "B" Fermented Malt Beverage	\$10
Temporary Retail "Class B" Wine (no charge if applying for Temporary Class "B" Fermented Malt Beverage at the same time)	\$10
Tobacco License	\$15
Operator's License	\$20
Provisional Operator's License	\$15
Temporary Operator's License	\$5
Background Checks	Actual Cost
Wholesaler's License for Fermented Malt Beverage	\$25

Construction, Moving, and Razing Permits	
<u>Administrative Building Permit:</u> administrative fee + fee based on value a) Administrative Fee, per permit b) Cost per \$1,000 of project cost or fraction thereof as determined by Mosel Municipal Code, Subsection 8.05 D (1) and (2) not to exceed \$1,010 per permit <u>Building Inspections</u> <u>Renewals</u> Permit void after one (1) year of date of issuance Six-month extension (includes description of work yet to be completed)	\$10 \$2 \$35/inspection \$10
<u>Building Permits:</u> New Home and Structural Alterations and Additions to Existing One and Two-Family Dwellings a) Administrative Fee, per permit b) Plan Review c) Cost per \$1,000 of project cost or fraction thereof as determined by Mosel Municipal Code, Subsection 8.05 D (1) and (2) d) Sixteen (16) Inspections (included in initial permit) (i) Additional inspections (if required) e) DSPS State Seal f) Road Escrow g) Electrical Service h) Electrical Upgrade i) Heating, Ventilation, and Air Conditioning j) Plumbing <u>Renewals</u> Permit void after two (2) years of date of issuance Six-month extension (includes description of work yet to be completed)	\$10 \$150 \$2 \$560 \$35/inspection \$35 \$2,500 \$35 \$35 \$35 \$35
<u>Permit for Moving a Building Over a Public Way</u> a) Principal Building b) Accessory Building c) Proof of Insurance, required amount	\$25 \$10 \$100,000
<u>Late Permit Fees</u> a) Work begun prior to obtaining permit (reported by owner/owner's agent) b) Work begun prior to obtaining permit (not reported by owner/owner's agent)	\$25 plus permit fees \$25 plus double permit fees
<u>Razing Permits</u> Removal, without replacement, of any structure or portion of structure; late fees do not apply.	\$10

Dog Licensing (effective January 2019)	
a) Spayed/Neutered	\$8
b) Un-spayed, Un-neutered	\$15
c) Multiple (one per person)	\$60
d) Additional Multiple Tags	\$5
e) Late Fee	\$35
Chickens (allowed in the R-1 <i>Single Family Residential District</i>) Expires annually on December 31 st	\$10
Land Use, Zoning, and Variances Applications & Permits	
<u>Land Use and Variances</u>	
a) Board of Appeals Application (includes variances)	\$300
b) Conditional Use Permit Application, or Substantial Revision to Existing Permit as determined by Board	\$200
c) Special Land Use Permit Application, or Substantial Revision to Existing Permit as determined by Board	\$200
<u>Amendments</u>	
a) Rezoning Petition	\$350
b) Zoning Ordinance Text Change Petition	\$350
c) Comprehensive Plan Amendment Petition	\$350
<u>Land Development Fees</u>	
a) Preliminary Consultant/Concept Plan Review	\$150
b) Certified Survey Map	\$25
c) Preliminary Plat Review	\$250
d) Final Plat Review (per phase, if phases are submitted separately)	\$50 + \$10/lot
e) Driveway/Culvert Permit Application	\$35
f) Driveway/Culvert Permit Renewal	\$10
<u>Purchase of Development Rights</u> Code Sec. 7.15-BLPP (purchase amount per acre)	\$2,000
<u>Mobile Home Parks</u>	
a) Permit application fee or renewal of Permit; cost for each space or fraction thereof	\$250
b) Transfer of license	\$10
<u>Sign Permits</u> For signs in B-1 (<i>Business District</i>) and I-1 (<i>Industrial District</i>) districts only, all other districts where allowed – no charge.	
	\$10
<u>Trailer Camp License</u>	
a) Each Space	\$25
b) Minimum fee	\$25
c) Transfer of license	\$100
d) Monthly fee for each trailer	\$10
	Set by assessor

Public Records Fees	
a) Faxing (sending or receiving)	\$0.25/page
b) Photocopies (1-3 copies, no charge; 4 or more, charged)	\$0.25/page
c) Record location and research (charge only if total cost will exceed 2 hours or \$40)	\$20/hour
d) Subscription to Town Board agendas & minutes (mail or fax copies)	\$25/year \$1.50/meeting
e) Subscription to Planning & Zoning Commission agendas & minutes (mail or fax copies)	\$25/year \$1.50/meeting
Miscellaneous Permits and Fees	
a) Broadband Forward! Community application/permit fee	\$50
b) Fireworks	\$25
c) Junk and junked vehicle dealer permit	\$200/year
d) NSF Check	\$25
e) Replace lost or destroyed license or permit, or dog tag	\$10
f) Request to Call a Special Meeting of the Town Board or Planning & Zoning Commission (for any purpose)	\$300
g) Special Assessment Letters	\$35
h) Transient Merchant Fees	
i) Registration Fee	\$20
ii) Background Check	Actual Cost
Immanuel Lutheran Cemetery – County Road DL	
a) Marking Fee	\$40
b) Single Grave	\$300
c) Two (2) Graves	\$500
d) Three (3) Graves	\$750
e) Four (4) Graves	\$1,000
f) Five (5) Graves	\$1,250
g) Six (6) Graves	\$1,500
h) Seven (7) Graves	\$1,750
i) Eight (8) Graves	\$2,000
Harms Cemetery – State Highway 42	
Cannot Purchase Grave Sites	

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 will 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 will be repealed or amended, except that when any forfeitures or penalty will have been mitigated by the provisions of any ordinance, such provisions will 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 will be repealed or amended, but the right of action will continue and the offender shall be subject to the penalty as provided in such ordinances, and such prosecution will 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 will take effect, will be conducted according to the provisions of this code, and will be, in all respects, subject to the provisions of this code.

11.08 EFFECTIVE DATE - CITATION

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