

ORDINANCE No: 2019-02

**AN ORDINANCE TO CREATE, REPEAL, AND RECREATE
CERTAIN PROVISIONS OF CHAPTERS 2, 5, 6, 8, 10, AND 11 OF THE VILLAGE OF ARLINGTON
CODE OF ORDINANCES REGARDING THE VILLAGE DEPOSIT SCHEDULE**

WHEREAS, The Village of Arlington Board of Trustees, Columbia County, Wisconsin, does hereby amend chapters 2, 5, 6, 8, 10, and 11 to coincide with the deposit schedule as follows:

SECTION 2.37 Building Inspector.

(b) Authority to Enter Premises; Appeals. (1) In the discharge of their respective duties each Inspector under this Section or his authorized agent may enter any building, upon presentation of the property credentials, during reasonable hours for the purpose of inspection and may require the production of any permit or license required hereunder. No person shall interfere with the Inspector or his authorized agent while in the performance of his duties; and any person so interfering shall be in violation of this Section and subject to a penalty as OUTLINED IN THE VILLAGE DEPOSIT SCHEDULE. ~~provided for in Section 1.06.~~

SECTION 5.05 Vehicles to Yield Right-of-Way. Whenever there shall be a fire or fire alarm or the Fire Department shall be out for practice, every person driving or riding in a motorized or other vehicle shall move and remain to the side of the street until the fire engine, fire truck and other fire apparatus have passed. The penalty for violating this Section shall be as set forth in THE VILLAGE DEPOSIT SCHEDULE. ~~Section 1.06 of this Code of Ordinances.~~

SECTION 5.06 Impeding Fire Equipment Prohibited. No person shall impede the progress of a fire engine, fire truck or other fire apparatus of the Arlington Volunteer Fire Company along the streets or alleys of such Village at the time of a fire or when the Fire Department of the Village is using such streets or alleys in response to a fire alarm or for practice. The penalty for violating this Section shall be as set forth in THE VILLAGE DEPOSIT SCHEDULE. ~~Section 1.06 of this Code of Ordinances.~~

SECTION 5.07 Damaging Fire Hose; Parking by Hydrants; Blocking Fire Lanes Prohibited.

(b) Penalty. The penalty for violating this Section shall be as set forth in THE VILLAGE DEPOSIT SCHEDULE. ~~Section 1.06 of this Code of Ordinances.~~

SECTION 5.08 Interference with the Use of Hydrants Prohibited. No person shall occupy any portion of such streets or alleys with a motorized or other vehicle between such fire engine or fire truck or other fire apparatus or any hydrant to which a fire hose may be, or may be about to be, attached. The penalty for violating this Section shall be as set forth in THE VILLAGE DEPOSIT SCHEDULE. ~~Section 1.06 of this Code of Ordinances.~~

SECTION 5.09 Open Burning.

(c) Penalty: The penalty for violating this Section shall be as set forth in THE VILLAGE DEPOSIT SCHEDULE. ~~Section 1.06 of this Code of Ordinances.~~

SECTION 5.12 Violation and Penalties.

(c) Penalties. Any person, firm or corporation who fails or refuses to comply with the provisions of this Chapter or any order of the Village Board issued in accordance with this Chapter shall, upon conviction thereof, be subject to a forfeiture AS OUTLINED IN THE VILLAGE DEPOSIT SCHEDULE ~~of not more than two hundred dollars (\$200.00)~~, together with the costs of prosecution, including attorney fees (unless otherwise stated). Each and every day during which such violation continues shall be deemed a separate offense. If property re-inspection is required by the Board, it shall be at owner's expense.

SECTION 6.06 Excavation of Streets, Alleys, Public Ways and Grounds.

(f) Village Standards; Fees.

(2) Along with any application for a permit, each applicant shall post the sum as established by Resolution of the Village Board with the Village Clerk. Of this sum, ~~one hundred dollars (\$100.00)~~ is the actual fee for the street opening permit WILL BE DEPOSITED TO THE VILLAGE WITH The remaining sum ~~will be held~~ in escrow by the Village Clerk. The purpose of this escrow is to ensure that following the street opening, the area is returned to the condition it was in prior to the street opening, and to cover any Village expenses associated with the street opening project. Upon completion of the street opening, the Village Clerk, or his designee, shall inspect the area and if the area is returned to its original condition, the Village Clerk shall return all escrowed funds to the applicant, less any fees expended to cover actual Village expenses.

SECTION 6.10 Removal from Sidewalks and Hydrants.

(g) Penalty. In addition to the provisions set forth in this Section, any person, firm or corporation which violates the provisions of this Section shall be subject to a penalty as OUTLINED IN THE VILLAGE DEPOSIT SCHEDULE ~~provided in Section 1.06 of this Code of Ordinances.~~

SECTION 6.16 Street Numbers.

(d) Noncompliance. If the owner or occupant of any building neglects for twenty (20) days to duly attach and maintain the proper numbers on the building, the Village shall serve ~~him~~ a notice requiring OWNER ~~him~~ to properly number the same, and if OWNER ~~he~~ neglects to do so for ten (10) days after service, OWNER ~~he~~ shall be subject to a forfeiture as OUTLINED IN THE VILLAGE DEPOSIT SCHEDULE ~~provided in Section 1.06.~~

SECTION 6.32 PENALTIES -- (ADDED 2019)

GENERAL PENALTY. ANY PERSON WHO SHALL VIOLATE ANY PROVISION OF THIS CHAPTER SHALL BE SUBJECT TO A PENALTY AS OUTLINED IN THE VILLAGE DEPOSIT SCHEDULE.

SECTION 7.20 PENALTIES

(a) Any person violating a provision of Sections 7.16 through 7.20 shall be subject to a forfeiture as OUTLINED IN THE VILLAGE DEPOSIT SCHEDULE ~~of not less than fifty dollars (\$50.00) and not more than two hundred dollars (\$200.00).~~ This Section shall also permit the Village Attorney to apply to a court of competent jurisdiction for a temporary or permanent injunction restraining any person from violating any aspect of this Chapter. (b) Anyone who violates a provision of Sections 7.02, 7.03, 7.04 or 7.05 of this Code of Ordinances or Chapter 174, Wis. Stats., shall be subject to a forfeiture of not less than twenty-five dollars (\$25.00) and not more than two hundred dollars (\$200.00) for the first offense and not less than one hundred dollars (\$100.00) and not more than four hundred dollars (\$400.00) for any subsequent offenses. An owner who refuses to comply with an order issued under Section 7.05 to deliver an animal to an officer, isolation facility or veterinarian or who does not comply with the conditions of an order that an animal be quarantined shall be fined not less than one hundred dollars (\$100.00) nor more than one thousand dollars (\$1,000.00) or imprisoned not more than sixty (60) days or both. (c) Any person who violates a provision of Sections 7.06 through 7.15 of this Code of Ordinances shall be subject as OUTLINED IN THE VILLAGE DEPOSIT SCHEDULE ~~to a forfeiture of not less than twenty-five dollars (\$25.00) and not more than one hundred dollars (\$100.00) for the first violation and not less than fifty dollars (\$50.00) and not more than two hundred dollars (\$200.00) for subsequent violations~~

SECTION 8.03 Regulation of Smoking.

(2) Penalties. The penalties shall be equal to the penalties outlined in State Statute 101.123 Smoking Prohibited. ~~The following penalties shall be applicable for violations of this Section:~~

~~(a) Any person who violates Subsection (d) or (e) of this Section shall be subject to those penalties and forfeitures prescribed in Chapter 1.06.~~

~~(b) Any person in charge of premises who violates Section 101.123(2m), Wis. Stats. shall be subject to those penalties prescribed in Section 1.06, except that the forfeiture shall be one hundred dollars (\$100.00). Prior to issuing a citation to a person in charge for violation of this Section, enforcement officials shall first issue a written warning notice; once the person in charge has been issued such warning notice, he/she may be issued citations for subsequent violations of this Section.~~

SECTION 8.05 Regulation of Natural Lawns.

(g) Penalty. Any person, firm or corporation which does not abate the nuisance within the required time period or who otherwise violates the provisions of this Section shall be subject to the general penalty AS OUTLINED IN THE VILLAGE DEPOSIT SCHEDULE ~~found in Chapter 1.06 of this Code of Ordinances.~~

SECTION 10.18 Disturbing the Peace with a Vehicle.

(a) **Compression (Jake) Brakes Prohibited.**

(3) Any person violating the provisions of sub. (1) shall be punished by a fine AS OUTLINED IN THE VILLAGE DEPOSIT SCHEDULE. ~~of not less than fifty dollars (\$50.00) nor more than two hundred dollars (\$200.00).~~ Each occurrence of a violation of sub. (1) shall constitute a separate violation and shall be punishable as provided herein.

SECTION 10.23 Penalties.

(d) **Forfeitures for Parking Violations.**

(2) ~~Penalty for Other Parking Violations.~~ The forfeiture for violation of parking regulations in Sections 10.07 through 10.17 shall be:

- a. ~~A forfeiture of five dollars (\$5.00) if paid within seventy-two (72) hours of the issuance of the citation.~~
- b. ~~After seventy-two (72) hours and before one hundred forty-four (144) hours an overdue fee of five dollars (\$5.00) will be assessed.~~
- c. ~~Thereafter legal process shall be issued, and the forfeiture shall be twenty dollars (\$20.00) plus the costs of the action.~~

(e) **Other Violations.** Any person who shall violate any provision of this Chapter for which a penalty is not otherwise established by this Section shall be subject to forfeiture AS OUTLINED IN THE VILLAGE DEPOSIT SCHEDULE. ~~of not less than twenty dollars (\$20.00) nor more than one hundred dollars (\$100.00).~~

SECTION 11.05 Safe Use and Transportation of Firearms and Bows.

(b)(4) A person who violates Subsections (1) through (4) above is subject to a forfeiture AS OUTLINED IN THE VILLAGE DEPOSIT SCHEDULE ~~pursuant to Section 1.06.~~

SECTION 11.13 Destruction of Property Prohibited.

(c)(1) Any person eighteen (18) years of age or over who violates this Section is subject to a penalty as provided AS OUTLINED IN THE VILLAGE DEPOSIT SCHEDULE ~~in Section 1.06 plus restitution to the injured party, and the costs of prosecution.~~

(2) Any person fourteen (14) years of age to seventeen (17) years of age shall be subject to a forfeiture AS OUTLINED IN THE VILLAGE DEPOSIT SCHEDULE ~~not to exceed Fifty Dollars (\$50.00) and any other applicable penalty provided by Sec. 938.343, Wis. Stats., as that Section may exist, be amended or changed~~

SECTION 11.14 Littering Prohibited. (ADDED 2019)

(E) PENALTY

ANY PERSON, FIRM OR CORPORATION WHO FAILS TO COMPLY SHALL BE ISSUED A FORFEITURE AS OUTLINED IN THE VILLAGE DEPOSIT SCHEDULE.

SECTION 11.17 Retail Theft.

(d) ~~If the value of the merchandise does not exceed one hundred dollars (\$100.00), any person violating this Section shall forfeit not more than two hundred dollars (\$200.00). If the value of the merchandise exceeds one hundred dollars (\$100.00), this Section shall not apply and the matter shall be referred to the District Attorney for criminal prosecution.~~ Penalty: Shall be as outlined in the Village Deposit Schedule and may be referred to the District Attorney for criminal prosecution.

SECTION 11.19 Theft Prohibited.

(b) Acts. Whoever does any of the following may be penalized as provided in Section 1.06 of this Code of Ordinances OR AS OUTLINED IN THE VILLAGE DEPOSIT SCHEDULE, WHICHEVER IS MOST APPROPRIATE:

SECTION 11.23 Underage Persons; Prohibitions; Penalties.

(c) Any person violating Subsections (a) or (b) is subject to FORFEITURES AS OUTLINED IN THE VILLAGE DEPOSIT SCHEDULE AND the following penalties:

(1) For a first violation, ~~a forfeiture of not more than fifty dollars (\$50.00)~~, suspension of the person's operating privilege as provided under Sec. 343.30(6)(b), Wis. Stats., participation in a supervised work program under Subsection (d) or any combination of these penalties.

(2) For a violation committed within twelve (12) months of a previous violation, ~~either a forfeiture of not more than two hundred dollars (\$200.00)~~, suspension of the person's operating privilege as provided under Sec. 343.30(6)(b), Wis. Stats., participation in a supervised work program under Subsection (d) or any combination of these penalties.

(3) For a violation committed within twelve (12) months of two (2) previous violations, ~~either a forfeiture of not less than three hundred dollars (\$300.00)~~, revocation of the person's operating privilege under Sec. 343.30(6)(b), Wis. Stats., participation in a supervised work program under Subsection (d) or any combination of these penalties.

(4) For a violation committed within twelve (12) months of three (3) previous violations, ~~either a forfeiture of not less than five hundred dollars (\$500.00) nor more than one thousand dollars (\$1,000.00)~~, revocation of the person's operating privilege under Sec. 343.30(6)(b), Wis. Stats., participation in a supervised work program or any combination of these penalties.

SECTION 11.25 Persons Who Have Attained the Legal Drinking Age; False or Altered Identification Cards.

(a) Any person who has attained the legal drinking age, other than one authorized by Sec. 125.085 or 343.50, Wis. Stats., who makes, alters or duplicates an official identification card ~~may be fined not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00)~~ AS OUTLINED IN THE VILLAGE DEPOSIT SCHEDULE.

(b) Any person who has attained the legal drinking age who, in applying for an identification card, presents false information to the issuing officer may be fined ~~not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00)~~ AS OUTLINED IN THE VILLAGE DEPOSIT SCHEDULE.

SECTION 11.26 Possession of Alcohol Beverages on School Grounds Prohibited.

(d) A person who violates this Section is subject to a forfeiture ~~of not more than two hundred dollars (\$200.00)~~ AS OUTLINED IN THE VILLAGE DEPOSIT SCHEDULE, except that Sec. 938.344, Wis. Stats., and Section 11.24(c) and (d) of this Code of Ordinances provide the penalties applicable to underage persons.

SECTION 11.27 Adult Permitting or Encouraging Underage Violation.

(c) A person who violates this Section is subject to a forfeiture ~~of not more than two hundred dollars (\$200.00).~~ AS OUTLINED IN THE VILLAGE DEPOSIT SCHEDULE.

SECTION 11.29 Curfew.

(2) Penalty. Any parent, guardian, or person having legal custody of a child described in Subsection (a) above who has been warned in the manner provided in Subsection (d)(l) herein and who thereafter violates this Section shall be subject to a penalty as provided in THE VILLAGE DEPOSIT SCHEDULE ~~Section 1.06 of this Code of Ordinances~~. After a second violation within a six (6) month period, if the defendant, in a prosecution under this Section, proves that he or she is unable to comply with this Section because of the disobedience of the child, the action shall be dismissed and the child shall be referred to the court assigned to exercise jurisdiction under Chapter 48, Wis. Stats. Any minor person under sixteen (16) years of age who shall violate this Section shall, upon conviction thereof, forfeit ~~not less than One Dollar 32 (\$1.00) nor more than Twenty-five Dollars (\$25.00)~~ AS OUTLINED IN THE VILLAGE DEPOSIT SCHEDULE, together with the costs of prosecution.

SECTION 11.35 Truancy.

(2) A person found to have violated Subsection (b)(l) above, after evidence is provided by a school official that the activities under Sec. 118.16(5), Wis. Stats., have been completed, shall be subject to a forfeiture ~~pursuant to Section 1.06~~ AS OUTLINE IN THE VILLAGE DEPOSIT SCHEDULE.

SECTION 11.46 Enforcement; Penalty

(b) General Penalty. Any person who shall violate any provision of this Chapter shall be subject to a penalty as provided in ~~Section 1.06~~. AS OUTLINED IN THE VILLAGE DEPOSIT SCHEDULE.

SECTION 11.53 Junked Vehicles and Appliances on Private Property.

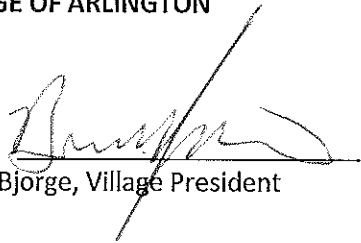
(e) Penalty. Any person who shall interfere with the enforcement of any of the provisions of this Section and shall be found guilty thereof shall be subject to a penalty as provided in THE VILLAGE DEPOSIT SCHEDULE ~~Section 1.06~~. Each motor vehicle or appliance involved shall constitute a separate offense.

Severability of Provisions. Should any section, sentence, phrase or other portion of this Ordinance be declared invalid, such portion shall be deemed as a separate and distinct provision and shall not affect the validity of the remaining portions of this Ordinance.

Effective date. This Ordinance shall take effect and be enforced upon its passage and publication or posting as provided by law. Except as provided herein, all of the terms and provisions of Chapter 2, 5, 6, 8, 10, and 11 of the Village of Arlington Code of Ordinances shall remain in full force and effect. Village Deposit Schedule shall be in effect with the original date of passage by the Village Board.

Dated and effective this 8th day of July, 2019.

VILLAGE OF ARLINGTON

By: 
Bryan Bjorge, Village President

Attest: 
PJ Monson, Village Clerk - Treasurer

Ayes: 5 Nays: 0 Ordinance Adopted: 7/8/19 Ordinance Posted: 7/9/19

