

## VILLAGE OF NEWBURG

### ORDINANCE NO. 03-2019

#### AN ORDINANCE TO REPEAL AND RECREATE VARIOUS SECTIONS OF THE MUNICIPAL CODE OF NEWBURG ESTABLISHING FEES AND FINES FOR CERTAIN LICENSES/PERMITS/SERVICES

##### SECTION I. PURPOSE

WHEREAS, the Village of Newburg authorizes and establishes fees and fines for various licenses, permits and services; and

WHEREAS, on December 13, 2018 the Village Board combined and consolidated various references in the Municipal Code setting fees and fines for certain licenses/permits/services into a table in Section 36.04; and

WHEREAS, these references in various sections now need to refer to Section 36.04 for the fee and fines schedule.

NOW THEREFORE, the Village Board of the Village of Newburg, Wisconsin, does hereby repeal and recreate various sections of the Municipal Code which set the fees and fines for certain licenses, permits, and services within the Village of Newburg as now established in Section 36.04 of the Municipal Code to read:

##### SECTION II. REPEAL AND RECREATE

**§ 33.99 PENALTY.** For a violation of any of the provision of this chapter, he or she shall forfeit a fine as provided in § 36.04.

**§ 34.05 FEE SCHEDULE.** The cost of photocopying shall be set as provided in § 36.04 per page. It is intended that this fee schedule shall cover the payment of the actual, necessary, and direct costs incurred in locating a document or in providing any person with a reproduction of any of the recordings of the Village.

**§ 35.03 BOND.** The amount of the bond required by Wis. Stats. § 755.03(1) shall be set as provided in § 36.04.

**§ 50.25(B)(5)** Waste tires, upon the payment of a fee per tire as provided in § 36.04. Residents are required to trade their old tires with the retailer upon the purchase of new tires.

**§ 50.99(B)(1)** Any person who violates § 50.28 may be required to forfeit a fine as provided in § 36.04 for a first violation, a fine as provided in § 36.04 for a second violation, and a fine as provided in § 36.04 for a third or subsequent violation.

**§ 50.99(B)(2)** Any person who violates a provision of §§ 50.15 through 50.29, except § 50.28, may be required to forfeit a fine as provided in § 36.04 for each violation.

**§ 51.01(A)** *Sewer service charges.* Sewer service charges shall be on the basis of estimated water use of the average residence and is designated residential equivalent use (REU). The service charge shall be based on the number of REUs designated for each classification of users. The sewer service charge for each REU is set as provided in § 36.04 per quarter.

**§ 51.02(B)(1)** A penalty fee as provided in § 36.04 shall be assessed against delinquent balances due on sewerage system charges and past penalties assessable thereon which are accrued and unpaid, each such penalty to be compounded, assessed, and billed each quarter. On November 1 of each year, the Village Administrator/Clerk shall certify and file as a part of the Clerk's records a list of all lots or parcels of real estate, noting the legal description thereof, of the owners or occupants thereof whose sewerage system charges are delinquent as of the end of the business day October 31 and in arrears, and stating the amount of such delinquencies and arrears, together with penalties, including any such compounded penalties thereon, as herein provided.

**§ 51.04(B)** *Imposed.* Pursuant to Wis. Stats. § 66.0617, a wastewater treatment plant impact fee per residential unit equivalent for residential, commercial, industrial, and industrial development is hereby imposed on developers. The fee shall be in the amount set forth in Exhibit B of the village's Wastewater Treatment Plant Needs Assessment, (which is incorporated here by reference), except that the impact fee for an efficiency or one-bedroom apartment shall be set as provided in § 36.04.

**§ 51.99(B)** Any person who fails to comply with the provisions of § 51.06 for more than 30 days after notice to connect is given, shall be subject to a forfeiture fine as provided in § 36.04 for each day such person shall not be in compliance herewith, and the village may cause connection to be made and the expense thereof shall be assessed as a special tax against the affected property.

**§ 70.99(B)(1)** The table of forfeitures for: 2-hour zone, 24-hour violation, Doubled parked, Illegally parked heavy vehicles, Illegally parked causing heavy traffic hazard, Loading zone, No parking zone, No parking 2:30 a.m. to 6:00 a.m., Not a parking space, Other, Parked in zone for physically disabled parking, Parking on private property without consent, Parking on sidewalk area, Permit only, Posted restrictions, Winter parking, Within 4 feet – blocked driveway, Within 15 feet of crosswalk, and Wrong side of road, as provided in § 36.04.

**§ 90.08(D)** *Costs.* If the village causes a nuisance to be removed, as provided in division (C) above, the actual cost thereof, together with an administrative fee as provided in § 36.04 of the actual cost, shall be charged to the property owner. If such charges are not paid by November 15 of the year in which they are billed, such charges, together with an additional administrative fee for the collection as provided in § 36.04 of the total of such charges and fees, shall be extended on the succeeding tax roll as a tax charges against the property affected and collected in the same manner as are other taxes, pursuant to Wis. Stats. § 66.0517.

**§ 91.99 PENALTY.** Any person who willfully violates any provisions of this chapter shall be subject to a forfeiture fine as provided in § 36.04.

**§ 92.02(A)** The license fee for dogs as follows: Unneutered male, Unspayed female, Neutered male, Spayed female, and Duplicate licenses, as provided in § 36.04.

**§ 92.03 LATE FEES.** The Village Administrator/Clerk shall assess and collect a late fee as provided in § 36.04 from every owner of a dog five months of age or older if the owner failed to obtain a license prior to April 1 of each year or within 30 days of acquiring ownership of a licensable dog, or if the owner failed to obtain a license before the dog reached the licensable age.

**§92.04(A)** The owners of kennels may opt to pay a kennel license fee as provided in § 36.04 for a kennel of 12 dogs or fewer, plus an additional fee as provided in § 36.04 for each dog in excess of 12, in lieu of the fees provided in § 92.02, and the Village Administrator/Clerk shall issue tags for each dog owned by the kennel owners.

**§ 92.99(A)** If the owner of a dog, negligently or otherwise, permits the dog to run at large or permits a dog to be untagged, in violation of § 92.08, the owner shall forfeit a fine as provided in § 36.02 for the first and subsequent offenses.

**§ 92.99(B)(1)** *Failure to obtain a rabies vaccination.* A dog owner who fails to have a dog vaccinated against rabies, as provided in this chapter, shall, upon conviction, forfeit a fine as provided in § 36.04.

**§ 92.99(B)(2)** *Refusal to comply with quarantine order.* An owner of a dog or other animal who refuses to comply with an order issued under this chapter to deliver the animal to a police officer, the pound designated by the Village Board, or veterinarian, or who does not comply with the conditions of an order that the animal be quarantined shall upon conviction, forfeit a fine as provided in § 36.04.

**§ 93.03(E)** The fee shall be as provided in § 36.04 per parade.

**§ 93.18 APPLICATION.** Application for a block party permit shall be accompanied with a fee as provided in § 36.04 and shall be made not less than 15 working days in advance of the event on a form to be provided by the Village Administrator/Clerk. In the event that any person who resides or does business in the blocked-off portion of the street objects to such closing, the application for the permit may be denied.

**§ 95.03(C)** *Fee.* The permit fee is set as provided in §36.04 plus professional costs with a retainer fee as provided in §36.04.

**§ 95.03(E)** *Bond.* Before a permit for excavating or opening will be issued, the applicant must execute and deposit with the Village Administrator/Clerk an indemnity bond in the sum of at least an amount as provided in § 36.04 per square foot of the proposed opening. Said bond shall be conditioned upon applicant's filling up and placing in good repair and safe condition all excavations and openings made under the permit, and his or her

replacement and restoring of the pavement and/or natural surface as near as can be to the state and condition he or she found it before he or she made such excavations and openings.

**§ 95.10(B) *Fee; deposit.*** The fee for a culvert replacement or culvert and driveway permit, or for a driveway permit only, shall be in the amount as provided in § 36.04.

**§ 95.11(C) *Permit Fee.*** For any building that is moved by use of heavy moving trucks or rollers, the fee shall be as provided in § 36.04 including per square foot per level of the building being moved. For any building that is moved by the use of common carrier trucks or skids, the fee shall be as provided in § 36.04.

**§ 95.11(D) *Bond required.*** Before a permit is issued, the mover must give a bond in the amount as provided in § 36.04 with good and sufficient sureties to be approved by the Village Attorney, conditioned that the mover shall save the village harmless from any liability arising out of the move and shall restore any street damaged by the move. This provision may be waived for small buildings.

**§ 95.99(B) *Noncompliance and penalties.*** The following violations of §§ 95.20 and 95.21 are subject to a forfeiture fine as provided in § 36.04, plus court costs, for each violation. Each day of non-compliance shall constitute a separate violation.

**§ 111.04(A)** Any person desiring to obtain an adult oriented establishment license shall pay the required fee as provided in § 36.04 to defray the costs of administration and investigation of the application.

**§ 111.11(B)** A license renewal fee as provided in § 36.04 shall be submitted with the renewal application. In addition to the renewal fee, a late penalty fee as provided in § 36.04 shall be assessed against any applicant who files for renewal less than 60 days before the license expires. If the application is denied, one-half of the total fees collected shall be returned.

**§ 111.99 PENALTY.** Any person violating this chapter shall, upon conviction, be subject to a forfeiture fine as provided in § 36.04.

**§ 112.03(A)** Fees for the following license categories are provided in § 36.04:

**§ 112.03(B)** The fee for the initial issuance of a Reserve “Class B” intoxicating liquor license is established as provided in § 36.04 for a Reserve “Class B” intoxicating liquor license plus the specified Class fee. The annual fee for the renewal of a Reserve “Class B” intoxicating liquor license is the specified Class fee as provided in § 36.04.

**§ 112.14(D)(1)(d)** The fee for a temporary operator’s license is provided in § 36.04. It shall be non-refundable and shall not apply toward any other operator’s license under this section.

§ 112.14(E)(2) The fee for provisional operator's licenses shall be as provided in § 36.04 which shall be non-refundable and shall not apply towards any other operator's license under this section.

§ 113.01(B) The license fee shall be as provided in § 36.04 per year.

§ 113.02(D) *Investigation fee.* At the time of filing his or her application, the applicant shall pay to the Village Administrator/Clerk a fee as provided in § 36.04 to cover the cost of investigation of the facts stated in the application.

§113.02(F)(1) Every applicant who is not a resident of Washington or Ozaukee Counties or who represents a firm whose principal place of business is located outside of the state shall file with the Village Administrator/Clerk a surety bond as provided in § 36.04, approved by the Village President, conditioned that the applicant will comply with all provisions of the ordinances of the village and state laws regulating peddlers, canvasser, solicitors, and transient merchants, and guaranteeing to any person doing business with the license that all money paid as a down payment will be accounted for and applied according to the representations of the licensee; and further guaranteeing that property purchased for future delivery will be delivered according to the representations of the licensee.

§113.03(C) *License fee.* The license fee shall be as provided in § 36.04 per sale. Such sale not to exceed three days.

§ 114.05 **PERMIT FEE AND TERM.** The annual permits shall terminate on December 31 of each year. The annual permit fees for the following: Blasting, Rock Crushing, Temporary blasting and Temporary crushing, shall be as provided in § 36.04. Note: only one temporary permit can be issued for any given site within the permit year.

§ 130.012(C)(1)(a) Four to six alarms during a 12-month period as provided in § 36.04;

§ 130.012(C)(1)(b) Seven to nine alarms during a 12-month period as provided in § 36.04; and

§ 130.012(C)(1)(c) Ten or more alarms during a 12-month period as provided in § 36.04.

§ 150.007 **PERMIT FEES.** The permit fee schedule shall be as provided in § 36.04. The fees shall be doubled for any work commenced prior to obtaining a permit.

§ 150.011(B) *Application; fee.* Application for a fence permit shall be filed with the Building Inspector on a form supplied by the Village Administrator/Clerk, together with a sketch of the proposed fence showing its exact location and the payment of the required fee as provided in § 150.007.

§ 150.017(B) *Application; fee.* An application for a sign permit shall be filed with the Building Inspector on a form provided by the Village Administrator/Clerk, together with a sketch of the proposed sign showing its exact dimensions and location and the payment of the required fee as provided in § 36.04.

**§ 150.034 FEES.** The permit fee schedule as provided in § 150.007. The fees shall be doubled for any work commenced prior to obtaining a permit.

**§ 150.064 FEES.** The permit fee schedule as provided in § 150.007. The fees shall be doubled for any work commenced prior to obtaining a permit.

**§ 151.06(E) Fees.** Fees for the following may be set in § 36.04:

**§ 151.99 Penalty.** Any person, firm, association, or corporation who violates or refuses to comply with any of the provisions of this chapter shall be subject to a forfeiture as provided in § 36.04 per offense, together with the taxable costs of such action as well as the restoration of the wetlands. Each day of continued violation shall constitute a separate offense. Every violation of this chapter is a public nuisance and the creation thereof may be enjoined and the maintenance thereof may be abated by action at suit of the municipality, the state, or any citizen thereof pursuant to Wis. Stats. § 87.30(2).

**§ 152.08(A) General requirements.** No landowner or land user may commence a land disturbance or land development activity subject to this chapter without receiving prior approval of a control plan for the site and a permit from the Zoning Administrator. At least one landowner or land user controlling or using the site and desiring to undertake a land disturbing or land developing activity subject to this chapter shall submit an application for a permit and a control plan and pay an application fee as provided in § 36.04 to the Village Administrator/Clerk. BY submitting an application, the applicant is authorizing the Zoning Administrator and Building Inspector to enter the site to obtain information required for the review of the control plan.

**§ 152.09 INSPECTION.** The Zoning Administrator shall inspect construction sites as often as required to ensure compliance with the control plan. The fee for the cost of the work performed by the Zoning Administrator shall be as provided in § 36.04. If land disturbing or land development activities are being carried out without a permit, the Zoning Administrator shall enter the land pursuant to the provisions of Wis. Stats. § 66.0119.

**§ 152.10(E)** Ten days after posting a stop-work order, the Zoning Administrator may issue a notice of intent to the permittee, landowner, or land user of the Zoning Administrator's intent to perform work necessary to comply with this chapter. The Zoning Administrator may go on land and commence the work after 14 days from issuing the notice of intent. The costs of the work performed by the Zoning Administrator, plus interest at the rate authorized by the Zoning Administrator as provided in § 36.04, shall be billed to the permittee or the landowner. In the event a permittee or landowner fails to pay the amount due, the Village Administrator/Clerk shall enter the amount due on the tax role and collect as a special assessment against the property pursuant to Wis. Stats. § 66.60(16).

**§ 152.99 PENALTY.** Any person violating any of the provisions of this chapter shall be subject to a forfeiture as provided in § 36.04. Each day a violation exists shall constitute a separate offense.

**§ 153.016(B) *Preliminary plat review fee.*** The subdivider or developer shall pay a fee as provided in § 36.04 for each lot or parcel within the preliminary plat to the Village Administrator/Clerk at the time of first application for approval of any preliminary plats to assist in defraying the cost of review. A reapplication fee as provided in § 36.04 for each lot or parcel shall be paid to the Village Administrator/Clerk at the time of reapplication for approval of any preliminary plat which has been submitted and previously reviewed within six months from the date of first application.

**§ 150.016(C) *Final Plat review fee.*** The subdivider or developer shall pay a fee as provided in § 36.04 for each lot or parcel within the final plat to the Village Administrator/Clerk at the time of first application for approval of said plat to assist in defraying the cost of review. A reapplication fee as provided in § 36.04 per lot or parcel shall be paid to the Village Administrator/Clerk at the time of reapplication for approval of any final plat which has previously been reviewed.

**§ 150.016(D) *Improvement review fee.*** The subdivider shall pay a fee as provided in § 36.04 of the cost of required improvements as estimated by the Village Engineer at the time of the submission of improvement plans and specifications to partially cover the cost of the village for checking and reviewing such plans and specifications. The fee may be recomputed upon demand of the Village Engineer, the subdivider, or the developer after completion of improvement construction in accordance with the actual cost of such improvements and the difference, if any, shall be paid by or remitted to the subdivider or developer. Evidence of cost shall be in such detail and form as required by the Village Engineer.

**§ 150.016(E) *Inspection fee.*** The subdivider shall pay a fee as provided in § 36.04 to the village for such inspection as the Village Engineer deems necessary to assure that the construction of the required improvements is in compliance with the plans, specifications, and ordinances of the village or any other governmental authority.

**§ 150.016(F) *Engineering fee.*** The subdivider or developer shall pay a fee as provided in § 36.04 to the village for all engineering work incurred by the village in connection with the land subdivision, minor land division, or planned development. In addition:

**§ 150.016(G) *Legal fees.*** The subdivider or developer shall pay a fee as provided in § 36.04 for any legal work which may be undertaken by the village in connection with the land division or minor land division. Legal work shall include all conferences regarding the subdivision or development and the drafting of contracts and agreements between the village and the subdivider. Legal fees shall be billed periodically.

**§ 150.016(I) *Minor subdivision fees.*** The subdivider shall pay a fee as provided in § 36.04 at the time the certified survey map is submitted to assist in defraying the cost to

review. Prior to Village Board approval, the subdivider shall pay recording costs and any applicable fees as provided in divisions (G) through (H) above.

**§ 153.031(A) *Submission of plats.*** Before submitting a final plat for approval, the subdivider shall prepare a preliminary plat. The preliminary plat shall be prepared in accordance with this chapter and the subdivider shall comply with the procedures of Wis. Stats. §§ 236.11 and 236.12, and shall file 20 copies of the plat, the application and required fee as provided in § 36.04 with the Village Administrator/Clerk. The Village Administrator/Clerk shall transmit copies, as appropriate, to the agencies specified in Wis. Stats. § 236.12, the Village Board members, and the Plan Commission.

**§ 153.035(B)(2)** The village will not consider any subdivision, lot split, CSM, condominium development, or planned unit development/planned development overlays/cluster developments in its extraterritorial plat review jurisdiction regardless of parcel size or unit density until the proposal has been approved by the village and the extraterritorial plat review fees as provided in § 36.04 has been paid; such approval however, shall not limit the village's extraterritorial plat approval authority.

**§ 153.052(E) *Approval.*** No certified survey map shall be approved by the Village Board until all required improvements have been installed and until all required fees as provided in § 36.04 have been paid, unless provision for the installation of improvements and payment of fees has been made in an approved subdivider's agreement.

**§ 154.99 PENALTY.** Any violation of the provisions of this chapter by any person shall be unlawful and shall be referred to the Village Attorney who shall expeditiously prosecute all such violators. A violator shall, upon conviction, forfeit to the municipality a penalty as provided in § 36.04, together with a taxable cost of such action. Each day of continued violation shall constitute a separate offense. Every violation of this chapter is a public nuisance and the creation may be enjoined and the maintenance may be abated by action at suit of the municipality, the state, or any citizen thereof pursuant to Wis. Stats. § 87.30.

**§ 155.018(K) *Fees.*** The developer shall pay to the Village all fees and all professional expenditures incurred by the village at the time specified for both the General PUD plan review and the Detailed PUD plan review as provided in § 36.04. The professional fees the developer shall reimburse the village for include all engineering, planning, and legal fees incurred by the village. The village shall bill the developer monthly and payment shall be made in ten days from billing.

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| <b>§ 155.40(A)(1)(a)</b> Zoning permit                        | as provided in § 36.04 |
| <b>§ 155.40(A)(1)(b)</b> Occupancy permit                     | as provided in § 36.04 |
| <b>§ 155.40(A)(1)(c)</b> Conditional use permit               | as provided in § 36.04 |
| <b>§ 155.40(A)(1)(d)</b> Variance or appeal                   | as provided in § 36.04 |
| <b>§ 155.40(A)(1)(e)</b> Amendment to ordinance (map or text) | as provided in § 36.04 |



§ 155.40(A)(1)(f) Site plan review and approval as provided in § 36.04

§ 155.40(A)(1)(g) Architectural control as provided in § 36.04

§ 155.40(A)(2) A double fee as provided in § 36.04 shall be charged by the Building Inspector or Zoning Administrator if work is started before a permit is applied for and issued. Such double fee shall not release the applicant from full compliance with this section or from prosecution for violation of this section.

§ 155.40(B) *Enforcement and penalties.* Any building or structure herein erected, moved, placed or structurally altered or any use herein established in violation of the provisions of this section by any person (including a building contractor or his/her agent) shall be deemed an unlawful structure or use. The Plan Commission may direct the Village Attorney to bring an action to enjoin, remove or vacate any use, erection, moving, alteration or placement of any building or use in violation of this section. Any person who violates this section shall, upon conviction thereof, forfeit a fine as provided in § 36.04 for each violation. A separate offense occurs each day a violation occurs and/or continues.

§ 155.99 **PENALTY.** Any person who violates, disobeys, neglects, omits or refuses to comply with, or who resists the enforcement of any of the provisions of this chapter, shall forfeit a fine as provided in § 36.04, together with the costs of prosecution, and, in case of nonpayment of such forfeiture, shall be imprisoned in the County Jail for a term of not more than 30 days or until judgement is paid, and each day of violation shall constitute a separate offense.

### SECTION III. MISCELLANEOUS

SEVERABILITY. The several sections of this Ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and shall not affect the validity of any other provision, sections or portions thereof of the Ordinance. The remainder of the Ordinance shall remain in full force and effect. Any other Ordinances whose terms are in conflict with the provisions of this Ordinance are hereby repealed as to those terms that conflict.

### SECTION IV. EFFECTIVE DATE

This ordinance shall take effect immediately upon passage and posting or publication as provided by law.

Passed and adopted by the Village Board of the Village of Newburg, Washington and Ozaukee Counties, Wisconsin, this 14<sup>th</sup> day of February, 2019.

ATTEST:

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Jennifer L. Strohmeyer, Village President

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Rick J. Goeckner, Village Administrator/Clerk