

**Ordinance No. 2017-02**

**AN ORDINANCE TO REVISE AND CONSOLIDATE, AMEND,  
SUPPLEMENT AND CODIFY THE GENERAL ORDINANCES  
OF THE VILLAGE OF ALLOUEZ**

The Village Board of the Village of Allouez does hereby ordain as follows:

**SECTION 1.**

§ 1-5. Adoption of Code.

Pursuant to § 66.0103, Wis. Stats., the ordinances of the Village of Allouez of a general and permanent nature adopted by the Village Board of the Village of Allouez, as revised, codified and consolidated into chapters and sections by General Code, and consisting of Chapters 1 through 475, are hereby approved, adopted, ordained and enacted as the "Code of the Village of Allouez," hereinafter referred to as the "Code."

**Part I: Administrative Legislation**

- Chapter 1. General Provisions
- Chapter 5. Administration of Government
- Chapter 16. Citations
- Chapter 27. Court, Municipal
- Chapter 36. Elections
- Chapter 39. Emergency Mangement
- Chapter 44. Ethics, Code of
- Chapter 50. Finance and Taxation
- Chapter 103. Records
- Chapter 110. Salaries and Compensation

**Part II: General Legislation**

- Chapter 142. Alarm Systems
- Chapter 145. Alcohol Beverages
- Chapter 151. Animals
- Chapter 163. Bicycles
- Chapter 169. Boating
- Chapter 175. Building Construction
- Chapter 180. Bulkhead Lines
- Chapter 188. Canvassers and Transiet Merchants
- Chapter 195. Cigarettes and Tobacco Products
- Chapter 200. Construction Site Erosion Control
- Chapter 210. Electrical Standards
- Chapter 216. Escorts
- Chapter 221. Fair Housing
- Chapter 225. Fees and Charges
- Chapter 229. Fences
- Chapter 234. Fires and Fire Prevention
- Chapter 248. Historic Preservation
- Chapter 253. Housing Standards
- Chapter 285. Minors
- Chapter 290. Mobile Homes
- Chapter 302. Noise

Chapter 307. Nuisances  
Chapter 318. Parking and Storage  
Chapter 322. Parks and Recreation  
Chapter 326. Pawnbrokers and Seconhand Dealers  
Chapter 330. Peace and Good Order  
Chaper 338. Plumbing  
Chapter 345. Property Maintenance  
Chapter 350. Public Works  
Chapter 367. Sex Offenders  
Chapter 378. Snowmobiles  
Chapter 385. Stormwater  
Chapter 387. Stormwater Management, Post-Construction  
Chapter 404. Trees and Shrubs  
Chapter 417. Vehicles, Abandoned  
Chapter 421. Vehicles, All-Terrain  
Chapter 424. Vehicles and Traffice  
Chapter 432. Waste Management

Part III: Land Use Legislation

Chapter 453. Floodplain Zoning  
Chapter 460. Land Divisions  
Chapter 468. Shoreland-Wetland Zoning  
Chapter 475. Zoning

Derivation Table

Chapter DT. Derivation Table

Dispositin List

Chapter DL. Disposition List

§ 1-6. Code supersedes prior ordinances.

This ordinance and the Code shall supersede all other general and permanent ordinances enacted prior to the enactment of this Code, except such ordinances as are hereinafter expressly saved from repeal or continued in force.

§ 1-7. Continuation of existing provisions.

The provisions of the Code, insofar as they are substantively the same as those of the ordinances in force immediately prior to the enactment of the Code by this ordinance, are intended as a continuation of such ordinances and not as new enactments, and the effectiveness of such provisions shall date from the date of adoption of the prior ordinances.

§ 1-8. Copy of Code on file; Public Hearing; Zoning Land Division.

A copy of the Code has been filed in the office of the Village Clerk-Treasurer and shall remain there for use and examination by the public for at least two weeks, in accordance with § 66.0103, Wis. Stats., and until final action is taken on this ordinance, and, if this ordinance shall be adopted, such copy shall be certified to by the Village Clerk-Treasurer, and such certified copy shall remain on file in the office of said Village Clerk-Treasurer to be made available to persons desiring to examine the same during all times while said Code is in effect.

Following a published Notice of Public Hearing on January 20, 2017 and January 27, 2017, and a recommendation from the Village of Allouez Planning Commission the Village Board of the Village of Allouez held a public hearing on February 7, 2017 and heard all interested persons on the creation of Chapter 460 Land Division, Chapter 468 Shoreland-Wetland Zoning and Chapter 475 Zoning Code of the Code of the Village of Allouez.

§ 1-9. Amendments to Code.

Any and all additions, deletions, amendments or supplements to the Code, when adopted in such form as to indicate the intention of the Village Board to make them a part thereof, shall be deemed to be incorporated into such Code so that reference to the "Code of the Village of Allouez" shall be understood and intended to include such additions, deletions, amendments or supplements. Whenever such additions, deletions, amendments or supplements to the Code shall be adopted, they shall thereafter be inserted in the Code as amendments and supplements thereto.

§ 1-10. Publication; filing.

The Clerk-Treasurer of the Village of Allouez, pursuant to law, shall cause to be published, in the manner required by law, a notice of the adoption of this ordinance. Sufficient copies of the Code shall be maintained in the office of the Clerk-Treasurer for inspection by the public at all times during regular office hours. The publication of notice of the enactment of this ordinance, coupled with the availability of a copy of the Code for inspection by the public, shall be deemed, held and considered to be due and legal publication of all provisions of the Code for all purposes.

§ 1-11. Code to be kept up-to-date.

It shall be the duty of the Village Clerk-Treasurer, or someone authorized and directed by the Clerk-Treasurer, to keep up-to-date the certified copy of the Code required to be filed in the Clerk-Treasurer's office for use by the public. All changes in said Code and all ordinances adopted subsequent to the effective date of this codification which shall be adopted specifically as part of the Code shall, when finally adopted, be included therein by reference until such changes or new ordinances are included as supplements to said Code.

§ 1-12. Sale of Code.

Copies of the Code, or any chapter or portion of it, may be purchased from the Clerk-Treasurer or an authorized agent of the Clerk-Treasurer upon the payment of a fee to be set by the Village Board. The Clerk-Treasurer may also arrange for procedures for the periodic supplementation of the Code.

§ 1-13. Altering or tampering with Code; penalties for violation.

It shall be unlawful for anyone to improperly change or amend, by additions or deletions, any part or portion of the Code or to alter or tamper with such Code in any manner whatsoever which will cause the law of the Village of Allouez to be misrepresented thereby. Anyone violating this section or any part of this ordinance shall be subject, upon conviction, to a penalty as provided in § 1-3 of the Code.

§ 1-14. Severability of Code provisions.

Each section of the Code and every part of each section is an independent section or part of a section, and the holding of any section or a part thereof to be unconstitutional, void or ineffective for any cause shall not be deemed to affect the validity or constitutionality of any other sections or parts thereof. If any provision of this Code or the application thereof to any person or circumstances is held invalid, the remainder of this Code and the application of such provision to other persons or circumstances shall not be affected thereby.

§ 1-15. Severability of ordinance provisions.

Each section of this ordinance is an independent section, and the holding of any section or part thereof to be unconstitutional, void or ineffective for any cause shall not be deemed to affect the validity or constitutionality of any other sections or parts thereof.

§ 1-16. Repealer.

All ordinances or parts of ordinances inconsistent with the provisions contained in the Code adopted by this ordinance are hereby repealed; provided, however, that such repeal shall only be to the extent of such inconsistency, and any valid legislation of the Village of Allouez which is not in conflict with the provisions of the Code shall be deemed to remain in full force and effect. In addition, the following chapters and sections of the former Village Code of Ordinances are specifically repealed:

- A. Section 2.01, Continuity of Government.
- B. Section 2.04A, Community Relations – Social Development Commission.
- C. Chapter 9, Park and Recreation Facilities, Activities, Programs and Personnel.
- D. Chapter 22, Junk Dealers and Auto Salvage Dealers.
- E. Chapter 33, Obscene Materials and Obscene Performances.

§ 1-17. Ordinances saved from repeal.

The adoption of this Code and the repeal of ordinances provided for in § 1-16 of this ordinance shall not affect the following ordinances, rights and obligations, which are hereby expressly saved from repeal:

- A. Any ordinance adopted subsequent to September 6, 2016.
- B. Any right or liability established, accrued or incurred under any legislative provision prior to the effective date of this ordinance or any action or proceeding brought for the enforcement of such right or liability.
- C. Any offense or act committed or done before the effective date of this ordinance in violation of any legislative provision or any penalty, punishment or forfeiture which may result therefrom.
- D. Any prosecution, indictment, action, suit or other proceeding pending or any judgment rendered prior to the effective date of this ordinance brought pursuant to any legislative provision.
- E. Any franchise, license, right, easement or privilege heretofore granted or conferred.
- F. Any ordinance providing for the laying out, opening, altering, widening, relocating, straightening, establishing grade, changing name, improvement, acceptance or vacation of any right-of-way, easement, street, road, highway, park or other public place or any portion thereof.

- G. Any ordinance appropriating money or transferring funds, promising or guaranteeing the payment of money or authorizing the issuance and delivery of any bond or other instruments or evidence of the Village's indebtedness.
- H. Ordinances authorizing the purchase, sale, lease or transfer of property or any lawful contract or obligation.
- I. The levy or imposition of taxes, assessments or charges.
- J. The annexation or dedication of property or approval of preliminary or final subdivision plats.
- K. Ordinances providing for local improvements or assessing taxes or special assessments therefor.
- L. All currently effective ordinances pertaining to the rate and manner of payment of salaries and compensation of officers and employees.
- M. Any legislation relating to or establishing a pension plan or pension fund for municipal employees.
- N. Any ordinances adopting or amending the Zoning Map or otherwise rezoning property.
- O. Any charter ordinances.
- P. Any ordinance or portion of an ordinance establishing or amending a specific fee amount for any license, permit or service obtained from the Village.
- Q. Any ordinance or portion of an ordinance establishing or amending a deposit or bond schedule.
- R. Any ordinance or portion of an ordinance establishing or amending rates or charges for water or sewer service.
- S. Chapter 32, Television Communications Network Franchises, of the former Village Code of Ordinances.

§ 1-18. Changes in previously adopted ordinances; adoption of new ordinances.

- A. In compiling and preparing the ordinances for publication as the Code of the Village of Allouez, no changes in the meaning or intent of such ordinances have been made, except as provided for in Subsections C and D hereof. Certain grammatical changes and other minor nonsubstantive changes were made in one or more of said pieces of legislation. It is the intention of the Village Board that all such changes be adopted as part of the Code as if the ordinances had been previously formally amended to read as such.
- B. The adoption of the Code includes the adoption of the following new ordinances: Chapter 103, Records; Chapter 145, Alcohol Beverages, Art. I, Licensing; Chapter 234, Fires and Fire Prevention, Article IV, Flammable Liquids; Chapter 338, Plumbing; Chapter 350, Public Works; and Chapter 404, Trees and Shrubs.
- C. The following changes are made throughout the Code:

- 1) References to specific chapters and sections of the Wisconsin Statutes and Wisconsin Administrative Code are amended to reflect the numbering of the statutes and Administrative Code as of the publication of this Code.
- 2) References to the "Department of Industry, Labor and Human Relations" and "Department of Commerce" are amended to "Department of Safety and Professional Services."
- 3) References to the "Department of Health," "Department of Health and Social Services" and "Department of Health and Family Services" are amended to "Department of Health Services."
- 4) The term "Chairman" is amended to "Chairperson."
- 5) References to the Village Clerk and Village Treasurer are amended to "Clerk-Treasurer."
- 6) The title "Zoning Board of Appeals" is amended to "Board of Appeals."
- 7) The title "Code Enforcement Officer" is amended to "Code and Safety Enforcement Coordinator."
- 8) The titles "Humane Officer" and "Animal Control Officer" are amended to "Animal Control/Humane Officer."

D. The amendments and/or additions as set forth in Schedule A attached hereto and made a part hereof are made herewith, to become effective upon the effective date of this ordinance. (Chapter and section number references are to the ordinances as they have been renumbered and appear in the Code.)

§ 1-19. When effective.

This ordinance shall take effect upon passage and publication as required by law.

Dated this \_\_\_\_\_ day of February, 2017.

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James F. Rafter, Village President

ATTEST:

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Debra M. Baenen, Village Clerk-Treasurer

DATE OF PUBLICATION:

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