

Chapter 1 - GENERAL PROVISIONS

State Law reference— Counties generally, Wis. Stats. § 59.001 et seq.; county home rule, Wis. Stats. § 59.03.

Sec. 1-1. - Title of Code; citation; short title.

These collected ordinances shall be known and referred to as the "Code of Ordinances, Clark County, Wisconsin." References to this Code shall be cited as follows: "Sec. 2-1, Code of Ordinances, Clark County, Wisconsin." This Code may also be referred to by the shortened title, "Clark County Code."

State Law reference— Authority to codify ordinances, Wis. Stats. § 66.0103; citation of statutes, Wis. Stats. § 991.12.

Sec. 1-2. - Principles of construction.

In the interpretation and construction of this Code, the following rules of construction shall be observed, unless they are inconsistent with the manifest intent of the county board or the context clearly requires otherwise.

- (1) Conflicting general and specific construction. The rules of construction of this section shall not be applied to any section of this Code that contains any express provision excluding that construction or where the subject matter or context of that section may be repugnant thereto.
- (2) Liberal construction. The provisions of this Code and all proceedings under them are to be construed with a view to affect their objects and to promote justice. All general provisions, terms, phrases, and expressions contained in this Code shall be liberally construed so that the true intent and meaning of the county board may be fully carried out.
- (3) Common and technical terms. All words and phrases shall be construed according to the common and approved usage of the language, but technical words and phrases, and other words that have acquired a peculiar and appropriate meaning in the law, shall be construed and understood according to their peculiar and appropriate meaning.
- (4) Minimum requirements. In the interpretation and application of any provisions of this Code, the provisions shall be held to be the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience, and general welfare. Where any provision of the Code imposes greater restrictions upon the subject matter than a general provision imposed by the Code, the provision imposing the greater restriction or regulation shall be deemed to be controlling.
- (5) Acts by agents. When an ordinance requires an act to be done by a person which may be legally performed by an authorized agent of that principal person, the requirement shall be construed to include all acts performed by such agents.

State Law reference— Similar rule of construction for state code, Wis. Stats. § 990.001(9).

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- (6) Delegation of authority. Whenever a provision appears requiring the head of a department or some other county officer to do some act or perform some duty, it is to be construed to authorize the head of the department or other officer to designate, delegate, and authorize subordinates to perform the required act or to perform the duty unless the terms of the provision or section specify otherwise.
- (7) Joint authority. All words purporting to give a joint authority to three or more county officers or employees shall be construed as giving such authority to a majority of such officers or other persons.
- (8) Number. Words importing the singular number may extend and be applied to several persons or things and words importing the plural may include the singular.

State Law reference— Singular and plural, Wis. Stats. § 990.001(1).

- (9) Gender. Every word in these ordinances referring to the masculine gender shall also be construed to apply to females, and vice versa.

State Law reference— Gender, Wis. Stats. § 990.001(2).

- (10) Reasonable time or reasonable notice. Reasonable time or notice shall be deemed to mean only such time as may be necessary for the prompt performance of the act required.
- (11) Repeal. When any ordinance which has the effect of repealing a prior ordinance is itself repealed, such repeal shall not be construed to revive the prior ordinance or any part thereof, unless expressly so provided.
- (12) Singular and plural. Every word in these ordinances referring to the singular number only shall also be construed to apply to several persons or things, and every word in these ordinances referring to a plural number shall also be construed to apply to one person or thing.
- (13) Tense. The use of any verb in the present tense shall not preclude the interpretation of the verb in the future tense where appropriate.

State Law reference— Tenses, Wis. Stats. § 990.001(3).

- (14) Conjunctions. Where a provision involves two or more items, conditions, provisions, or events connected by any of the conjunctions "and," "or," "either ... or," or "neither ... nor," the conjunction shall be interpreted as follows:
 - a. The term "and" indicates that all the connected items, conditions, provisions or events shall apply.
 - b. The term "or" indicates that the connected items, conditions, provisions, or events may apply singly or in any combination.
 - c. The terms "either ... or" and "neither ... nor" indicate that the connected items, conditions, provisions, or events shall apply singly, but not in combination.

Sec. 1-3. - Definitions.

In the interpretation and construction of this Code, the following definitions shall be observed, unless they are inconsistent with the manifest intent of the county board of supervisors or the context clearly requires otherwise:

Adult. The term "adult" means a person who has attained the age of 18 years, except that for purposes of investigating or prosecuting a person who is alleged to have violated any provision of this Code or any other ordinance of the county, the term "adult" also means a person who has attained the age of 17 years.

State Law reference— Adult, Wis. Stats. § 990.01(3).

Board, county board, county board of supervisors. The terms "board," "county board," "county board of supervisors" and similar expressions refer to the chairperson and supervisors of Clark County, Wisconsin.

State Law reference— County board, Wis. Stats. § 990.01(6).

Code and Code of Ordinances. The terms "Code" and "Code of Ordinances" when used in any section of this Code refer to this Code unless the context of the section clearly indicates otherwise.

County. The term "county" means Clark County, Wisconsin.

Fee schedule or schedule of fees and charges. The terms "fee schedule" or "schedule of fees and charges" mean the official consolidated list of rates for utility or other public enterprises, fees of any nature, deposit amounts and various charges as determined from time to time by the county board, a copy of which is available in the office of the county clerk.

Fine. The term "fine" shall be the equivalent of the term "forfeiture," and vice versa.

Following. The term "following," when used by way of reference to any Code section, means the section next following that in which the reference is made.

Governing authority, governing body. The term "governing authority" or "governing body" means the County Board of Clark County, Wisconsin.

Highway. The term "highway" includes all public ways and thoroughfares and all bridges upon the same located in the county.

State Law reference— Highway, Wis. Stats. § 990.01(12).

Keeper, proprietor. The terms "keeper" and "proprietor" mean and include persons as the term "person" is defined herein, whether acting by themselves or through an agent or employee.

Land. The term "land" includes lands, tenements and hereditaments and all rights thereto and interests therein.

State Law reference— Land, Wis. Stats. § 990.01(18).

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Law. The term "law" denotes applicable federal law, the constitution and statutes of the state, the ordinances of the county, including, but not limited to, those codified herein, and, when appropriate, any and all rules and regulations which may be promulgated thereunder.

May. The term "may" is to be construed as being permissive.

Minor. The term "minor," unless otherwise specifically defined herein for purposes of a particular Code section, means a person who has not attained the age of 18 years, except that for purposes of investigating or prosecuting a person who is alleged to have violated a state or federal criminal law or any civil law or municipal ordinance, the term "minor" does not include a person who has attained the age of 17 years.

State Law reference— Minor, Wis. Stats. § 990.01(20).

Month. The term "month" means a calendar month.

State Law reference— Month, Wis. Stats. § 990.01(21).

Nuisance. The term "nuisance" means anything offensive or obnoxious to the health and welfare of the inhabitants of the county or any act or thing repugnant to, or creating a hazard to, or having a detrimental effect on the property of another person or to the community.

Oath. The term "oath" shall be construed to include an affirmation in all cases in which, by law, an affirmation may be substituted for an oath; and in such cases the terms "swear" and "sworn" shall be equivalent to the terms "affirm" and "affirmed."

State Law reference— Oath, Wis. Stats. § 990.01(24).

Occupant or tenant. The term "occupant" or "tenant" applied to a building or land, means any person who holds a written or an oral lease of or actually occupies the whole or a part of such building or land, either alone or with others.

Offense; violation. The terms "offense" and "violation" mean any act forbidden by any provision of this Code or the omission of any act required by the provisions of this Code.

Officers, departments, etc. Officers, departments, boards, commissions, committees, and employees referred to in this Code shall mean officers, departments, boards, commissions, committees, and employees of the county, unless the context clearly indicates otherwise.

Owner. The term "owner," as applied to a building or land, includes any part owner, joint owner, tenant in common, tenant in partnership, joint tenant or tenant by the entirety, of the whole or of a part of such building or land.

Person. The term "person" means any of the following entities: natural persons, corporations, partnerships, associations, bodies politic or any other entity of any kind which is capable of being sued.

State Law reference— Person, Wis. Stats. § 990.01(26).

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Personal property. The term "personal property" includes every species of property except real property.

State Law reference— Personal property, Wis. Stats. § 990.01(27).

Property. The term "property" includes real, personal and mixed property.

State Law reference— Property, Wis. Stats. § 990.01(31).

Public place. The term "public place" means any place subject to the primary control of any public agency, including but not limited to any park, street, public way, cemetery, schoolyard or adjacent open space and any lake or stream.

Publication. The term "publication" in a newspaper of any notice or other matter indicated to be for a stated number of weeks means one insertion each week, unless specifically stated to be for more than one day in each week.

State Law reference— Property, Wis. Stats. § 990.01(32).

Real property. The term "real property" includes lands, tenements and hereditaments.

State Law reference— Real estate and real property, Wis. Stats. § 990.01(35).

Residence. The term "residence" shall be construed to mean the place adopted by a person as his place of habitation, and to which, whenever he is absent, he has the intention of returning. When a person eats at one place and sleeps at another, the place where such person sleeps shall be deemed his residence.

Shall. The term "shall" is mandatory.

Sidewalk. The term "sidewalk" means any portion of a street between the curb, or the lateral line of the roadway, and the adjacent property line, intended for the use of pedestrians.

Signature; subscription. The term "signature" or "subscription" includes a mark when the person cannot write.

State Law reference— Signature, Wis. Stats. § 990.01(38).

State. The term "the state" or "this state" means the State of Wisconsin.

State Law reference— State, Wis. Stats. § 990.01(40).

Statute. The term "statute," unless otherwise specifically stated, refers to the indicated portion of the Wisconsin Statutes.

Street. The term "street" shall include any highway, street, avenue, boulevard, road, alley, lane or viaduct in the county dedicated or devoted to public use.

State Law reference— Highway, Wis. Stats. § 990.01(12).

Sworn. The term "sworn" includes the term "affirmed" in all cases where by law an affirmation may be substituted for an oath.

State Law reference— Sworn, Wis. Stats. § 990.01(41).

Tenant; occupant. The terms "tenant" and "occupant," applied to a building or land, shall include any person holding a written or oral lease or who occupies the whole or part of such building or land, either alone or with others.

Week. The term "week" means seven days.

State Law reference— Week, Wis. Stats. § 990.01(46).

Will. The term "will" is to be construed as being mandatory.

Wisconsin Administrative Code, Wis. Admin. Code. The term "Wisconsin Administrative Code" and its abbreviation as "Wis. Admin. Code" means the most recent edition of the Wisconsin Administrative Code.

Wisconsin Statutes, Wis. Stats. The term "Wisconsin Statutes" and its abbreviation as "Wis. Stats." means, in these ordinances, the most recent edition of the Wisconsin Statutes.

Written and in writing. The terms "written" and "in writing" shall be construed to include any representation of words, letters or figures, whether by printing or otherwise.

State Law reference— Written, in writing, Wis. Stats. § 990.01(48).

Year. The term "year" means a calendar year unless otherwise expressed.

State Law reference— Year, Wis. Stats. § 990.01(49).

State Law reference— Similar definitions and rules of construction, Wis. Stats. §§ 990.001, 990.01.

Sec. 1-4. - Computation of time.

- (a) The time within which an act is to be done or a proceeding had or taken shall be computed by excluding the first day and including the last. When any such time is expressed in hours, the whole of Sunday and of any legal holiday, from 12:00 midnight to 12:00 midnight, shall be excluded.
- (b) If the last day within which an act is to be done or a 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.
- (c) When the last day within which a proceeding is to be had or an act done, which consists of any payment to or the service upon or the filing with any officer, agent, agency, department

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or division of the state, this or any other county, city, town, school district or other subdivision of the state, of any money, return, statement, notice or other document, falls on a Saturday and the duly established official office hours of such officer, agent, agency, department or division to which such payment is to be made or with which such return, statement, report, notice or other document is required to be filed do not include any office hours on such Saturday, the proceeding may be had or taken or such act may be done on the next succeeding day that is not a Sunday or a legal holiday.

- (d) Regardless of whether the time limited in any statute for the taking of any proceeding or the doing of any act is measured from an event or from the date or day on which such event occurs, the day on which such event took place shall be excluded in the computation of such time.
- (e) The term "legal holiday," as used in this section, means any statewide legal holiday provided in Wis. Stats. § 895.20. When an act is permitted to be done by the use of the postal service and the last day within the time prescribed by law for performing such act falls on a legal holiday designated by the county such that the postal service does not receive registered mail or make regular deliveries on that day, the day shall be considered a legal holiday for purposes of this section.

State Law reference— Time computation, Wis. Stats. §§ 990.001(4), (12), 19.345; daylight saving time, Wis. Stats. § 175.095; state legal holidays, Wis. Stats. § 995.20.

Sec. 1-5. - Scope; applicability; jurisdiction.

Unless otherwise provided in this Code, this Code applies to acts performed within the corporate limits of the county. Provisions of this Code also apply to acts performed outside the corporate limits and up to the limits prescribed by law, where the law confers power on the county to regulate such particular acts outside the corporate limits.

Sec. 1-6. - Conflict of provisions.

- (a) If the provisions of different chapters conflict with each other, the provisions of each chapter shall control all issues arising out of the events and persons intended to be governed by that chapter.
- (b) If the provisions of different sections of the same chapter conflict with each other, the provision which is more specific in its application to the events or persons raising the conflict shall control over the more general provision.
- (c) If any of the provisions hereof conflict, and the conflict cannot be resolved by the application of subsection (a) or (b) of this section, the more stringent regulation shall apply and the specific provision shall prevail over the general.

Sec. 1-7. - Catchlines of sections.

The catchlines of the sections of this Code printed in boldface type are intended as mere catchwords to indicate the contents of the sections and shall not be deemed or taken to be titles of

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such sections, nor as any part of the sections; nor, unless expressly so provided, shall they be so deemed when any such sections, including the catchlines, are amended or reenacted.

State Law reference— Similar rule of construction for state code, Wis. Stats. § 990.001(6).

Sec. 1-8. - History notes, state law references, and editor's notes.

References and editor's notes following certain sections are inserted as an aid and guide to the reader and are not controlling nor meant to have any legal effect.

State Law reference— Similar rule of construction for state code, Wis. Stats. § 990.001(6).

Sec. 1-9. - References to chapters or sections.

All references to chapters or sections are to the chapters and sections of this Code unless otherwise specified. Reference to any section of this Code shall be understood also to refer to and include the penalty section relating hereto, unless otherwise expressly provided.

Sec. 1-10. - Severability of provisions.

If any provision of this Code of Ordinances 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 provision of these ordinances.

State Law reference— Severability, Wis. Stats. § 990.001(11).

Sec. 1-11. - Effective date.

- (a) Code. This Code shall take effect from and after passage and publication as provided by state law.
- (b) Subsequent ordinances. All ordinances passed by the county board subsequent to the adoption of the Code of Ordinances, except when otherwise specifically provided, shall take effect from and after their publication.

State Law reference— Similar provision regarding statutes, Wis. Stats. § 991.11.

Sec. 1-12. - Certain ordinances not affected by Code.

The adoption of this Code shall not act to repeal any ordinances, parts of ordinances, resolutions, or prior code provisions relating to the following subjects and not conflicting with the provisions of this Code, except that some of the following provisions may be amended by this Code:

- (1) Salaries of public officials and employees;
- (2) The creation or abolition of offices;
- (3) The annexation of territory to the county;

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- (4) Releases of persons from liability;
- (5) Contracts or rights created by resolution or county board action other than general ordinance;
- (6) Naming of public property within the county;
- (7) Tax and special assessment levies;
- (8) Construction of public works;
- (9) Budget ordinances, resolutions and actions;
- (10) Issuance of corporate obligations by the county;
- (11) Establishment of grades, curblines and widths of sidewalks, and the location of public streets and alleys; and
- (12) Waterfront property lines and regulations.

State Law reference— Similar rule regarding construction of statutes, Wis. Stats. § 991.08.

Sec. 1-13. - Exclusion of special or temporary ordinances.

Ordinances hereafter adopted which are not of a general or permanent nature shall be numbered consecutively, authenticated, published and recorded in the book of ordinances, but shall not be prepared for insertion in this Code, nor be deemed a part hereof.

Sec. 1-14. - Code does not authorize existing use violations.

The adoption of this Code shall not be interpreted as authorizing or allowing any use or the continuance of any use of a structure or premises in violation of any ordinance of the county in effect on the date of adoption of this Code.

Sec. 1-15. - Effect of repeal.

The repeal or amendment of any provision of this Code or of any other ordinance or resolution of the county board shall not:

- (1) Affect any rights, privileges, obligations or liabilities which were acquired or incurred or which had accrued under the repealed or amended provision, unless the county has expressly reserved the right to revoke such right, privilege, obligation or liability.
- (2) Affect any offense, penalty or forfeiture, or prosecution for any offense, or levy of any penalty or forfeiture which has arisen prior to the repeal or amendment of the relevant provision of any ordinance or resolution. The preceding sentence shall not preclude the application of a lesser penalty or forfeiture if the new amending or repealing provision contains such a lesser penalty or forfeiture. The procedure for prosecution of any violations of ordinances repealed or amended shall be conducted according to the procedure set forth in the new amending or repealing provision or other procedure currently in effect.

State Law reference— Effect of repeal, Wis. Stats. § 990.03.

Sec. 1-16. - Actions required to be by ordinance or resolution.

- (a) Ordinance defined. As used herein, the term "ordinance" means an official legislative action of the county board, which action is a regulation of a general and permanent nature and enforceable as a local law. The following is a nonexclusive illustrative listing of actions which constitute ordinances under this definition:
- (1) Actions that create, alter or abolish any county department, office or agency.
 - (2) Actions that provide for a fine or other penalty or establish a rule or regulation in which a fine or other penalty is imposed for violations.
 - (3) Actions that appropriate funds or adopt a budget.
 - (4) Actions that grant, renew or extend franchises, or special permits or rights in public roads or public property, or close abandoned roads.
 - (5) Actions that authorize the borrowing of money or the issuance of bonds.
 - (6) Actions that levy taxes, assess property for improvements or establish charges for services. Except as provided in subsection (c) of this section, the provisions of this Code shall be considered ordinances.
- (b) Resolution. As used herein, the term "resolution" means an expression of the county board concerning matters of administration, an expression of a temporary character or a provision for the disposition of a particular item of the administrative business of the county board.
- (c) Form for board action. Unless specifically required otherwise by state law or specifically authorized by the county board no action that is defined in this section to be an ordinance shall be taken by the county board except by ordinance and no action that is defined in this section to be a resolution shall be taken by the county board except by resolution.

Sec. 1-17. - Publication of ordinances.

- (a) Publication or notice required. Whenever a board enacts an ordinance, the county clerk shall immediately publish the ordinance either in its entirety as a class 1 notice under Wis. Stats. ch. 985 or as a notice as described in this section.
- (b) Form of notice. A notice of the adoption of an ordinance may be published under this subsection in lieu of publication of the entire ordinance. Such notices shall be published as class 1 notices under Wis. Stats. ch. 985 and shall contain at least all of the following:
- (1) The number and title of the ordinance.
 - (2) The date of enactment.
 - (3) A summary of the subject matter and main points of the ordinance, which must be a brief, precise and plain language description that can be easily understood.
 - (4) Information as to where the full text of the ordinance may be obtained, including the phone number of the county clerk, a street address where the full text of the ordinance may be viewed, and a website, if any, at which the ordinance may be accessed.

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- (c) Distribution of copies to town clerks. The clerk shall procure and distribute copies of the ordinance to the several town clerks, who shall file it in their respective offices.

State Law reference— Similar provision, Wis. Stats. § 59.14.

Sec. 1-18. - Publication of proceedings and public notices.

- (a) The board shall, by ordinance or resolution, provide for publication in one or more newspapers in the county as a class 1 notice under Wis. Stats. ch. 985, a certified copy of all its proceedings had at any meeting, regular or special, said publication to be completed within 60 days after the adjournment of each session.
- (b) The board may at any meeting, regular or special, provide by resolution for the publication in pamphlet form by the lowest and best bidder therefor, of a sufficient and designated number of copies of its duly certified proceedings, for general distribution.
- (c) The board may order public notices relating to tax redemption and other affairs of the county to be published in a newspaper printed in any other than the English language, to be designated in such order, whenever the board considers it necessary for the better information of the inhabitants of the county, and it shall appear from the last previous census that one-fourth or more of the adult population of the county is of a nationality not speaking the English language, and that there shall have been a newspaper published in the county continuously for one year or more in the language spoken by that nationality; but all of the notices shall also be published in a newspaper published in the English language as provided by law.
- (d) The compensation for all of the publications shall be paid by the county and shall be the same as that prescribed by law for publication in the English language; and no extra charge shall be allowed for translation in any case.
- (e) No irregularity, mistake or informality in any such publication shall affect the validity or regularity of any tax redemptions or other legal proceedings.

State Law reference— Similar provision, Wis. Stats. § 59.14.

Sec. 1-19. - Amendments; language of amendments; new material.

- (a) All ordinances passed subsequent to this Code that amend, repeal or in any way affect this Code may be numbered in accordance with the numbering system of this Code and printed for inclusion in this Code. When subsequent ordinances repeal any chapter, article, division, section or subsection or any portion of a chapter, article, division, section or subsection, such repealed portions may be excluded from the Code by omission from affected reprinted pages; and the subsequent ordinances, as numbered and printed or omitted, in the case of repeal, shall be prima facie evidence of such subsequent ordinances until such time that this Code and subsequent ordinances numbered or omitted are readopted as a new code of ordinances by the county board.
- (b) Amendments to any of the provisions of this Code may be made by amending such provisions by specific reference to the section number of this Code in substantially the

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following language: "That section _____ of the Code of Ordinances, Clark County, Wisconsin, is hereby amended to read as follows:...." The new provisions shall then be set out in full as desired.

- (c) If a new section not heretofore existing in the Code is to be added, the following language may be used: "That the Code of Ordinances, Clark County, Wisconsin, is amended by adding a section to be numbered _____, which section reads as follows:...." The new section may then be set out in full as desired.
- (d) All sections, divisions, articles, chapters or provisions desired to be repealed must be specifically repealed by section, division, article or chapter number, as the case may be.

Sec. 1-20. - Effect of amendments to Code.

Any and all additions and amendments to this Code, when passed in such form as to indicate the intention of the county board to make the addition or amendment a part of this Code, shall be deemed to be incorporated in this Code so that reference to the county's Code shall be understood and intended to include such additions and amendments.

Sec. 1-21. - Supplementation of Code.

- (a) By contract or by county personnel, supplements to this Code shall be prepared and printed whenever authorized or directed by the county board. A supplement to the Code shall include all substantive parts of permanent and general ordinances passed by the county board during the period covered by the supplement and all changes made thereby in the Code. The pages of a supplement shall be so numbered that they will fit properly into the Code and will, where necessary, replace pages that have become obsolete or partially obsolete, and the new pages shall be so prepared that, when they have been inserted, the code will be current through the date of the adoption of the latest ordinance included in the supplement.
- (b) In preparing a supplement to this Code, all portions of the code that have been repealed shall be excluded from the Code by the omission thereof from reprinted pages.
- (c) When preparing a supplement to this Code, the codifier (meaning the person, agency, or organization authorized to prepare the supplement) may make formal, nonsubstantive changes in ordinances and parts of ordinances included in the supplement insofar as it is necessary to do so to embody them into a unified Code. For example, the codifier may:
 - (1) Organize the ordinance material into appropriate subdivisions;
 - (2) Provide appropriate catchlines, headings, and titles for sections and other subdivisions of the Code printed in the supplement and make changes in the catchlines, headings, and titles;
 - (3) Assign appropriate numbers to sections and other subdivisions to be inserted in the Code and, where necessary to accommodate new material, change existing section or other subdivision numbers;
 - (4) Change the words "this ordinance" or words of the same meaning to "this chapter," "this article," "this division," etc., as the case may be, or to "sections _____ to

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_____ " (inserting section numbers to indicate the sections of the Code which embody the substantive sections of the ordinance incorporated into the Code); and

- (5) Make other nonsubstantive changes necessary to preserve the original meaning of ordinance sections or the alphabetical arrangement of new chapters inserted into the Code.
- (d) In no case shall the codifier make any change in the meaning or effect of ordinance material included in the supplement or already embodied in the Code.

Sec. 1-22. - Clerk to maintain Code and documents incorporated by reference.

- (a) County Code of Ordinances. Copies of this Code shall be kept available at the county clerk's office for public inspection.
- (b) Material adopted by reference. Whenever any standard code, rule, regulation, statute or other written or printed matter is adopted by reference, it shall be deemed incorporated in this Code as if fully set forth herein and the county clerk shall maintain in his office a copy of any such material as adopted and as amended from time to time.
- (c) Open public records. Materials on file at the county clerk's office shall be considered public records open to reasonable examination by any person during the office hours of the county clerk, subject to such restrictions on examination as the clerk imposes for the preservation of the materials.

Sec. 1-23. - Responsibility of personnel for assigned copies of Code.

Each county official or employee assigned a copy of this Code shall be responsible for maintaining the same and for the proper insertion of amendatory pages as received. Each such copy shall remain the property of the county and shall be turned over by the official or employee having custody thereof, upon expiration of his term of office or employment, to his successor or to the county clerk, in case he shall have no successor.

Sec. 1-24. - Tampering with code or other public documents and notices.

- (a) It is unlawful and a violation of this Code, punishable as set forth in this chapter, for any person, with intent to injure or defraud, to destroy, damage, remove, or conceal, any public record of the county, including, but not limited to, this Code.
- (b) It is unlawful and a violation of this Code, punishable as set forth in this chapter, for any person to intentionally damage, alter, remove, or conceal any public notice, posted as authorized by law, before the expiration of the time for which the notice was posted.

State Law reference— Similar provision, Wis. Stats. § 946.72; publication of legal notices, public newspapers, and fees, Wis. Stats. § 985.01 et seq.

Sec. 1-25. - General penalty.

- (a) Generally. Except where a penalty is provided elsewhere in this Code or mandated by state law, or set forth in the schedule of forfeitures adopted from time to time by the county

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board, any person over the age of 17 years who shall violate any of the sections of this Code shall, upon conviction of such violation, be subject to a penalty, as follows:

- (1) First offense. For a violation of any provision of this Code which adopts a state law by reference, and unless otherwise provided by the statute adopted, the forfeiture shall be the same as the forfeiture for violation of the statute. For a violation of any other provision of this Code, the forfeiture shall be not less than \$100.00 nor more than \$500.00. In either case, the person shall pay the costs of prosecution and a penalty assessment pursuant to Wis. Stats. § 757.05(1) where required for each offense.
 - (2) Second and subsequent offenses. In any case where an ordinance of the county does not provide for a second or subsequent violation, the person violating the ordinance for a second or subsequent time shall be subject to a forfeiture of not less than \$150.00 nor more than \$1,000.00 for each violation, together with the costs of prosecution and a penalty assessment pursuant to Wis. Stats. § 757.05(1) where required, except if the penalty expressly provided for the first violation of the ordinance exceeds \$150.00, then that larger penalty shall be applicable to second and subsequent violations.
- (b) Continued violations. Each violation and each day a violation continues or occurs shall constitute a separate offense. Nothing in this Code shall preclude the county from maintaining any appropriate action to prevent or remove a violation of any provision of this Code.
 - (c) Execution against defendant's property. Whenever any person fails to pay any forfeiture and costs of prosecution upon the order of the court for violation of any ordinance of the county, the court may, in lieu of ordering imprisonment of the defendant, or after the defendant has been released from custody, issue an execution against the property of the defendant for such forfeiture and costs.
 - (d) Injunctive remedies. In addition to any other penalty imposed under this section or any other penalty section of this Code, the county may institute an action or proceeding to enjoin any violation; such violation or any nonpayment of any forfeiture and costs shall constitute the basis for revocation or denial of any and all licenses and permits wherein the county is the issuing authority.
 - (e) Suspension of defendant's driver's license. The court may suspend the defendant's operating privilege, as defined in Wis. Stats. § 340.01(40), until restitution is made and the forfeiture, assessments and costs are paid. If the defendant has not done so within 60 days after the date the restitution or payments, or both, are to be made and has not notified the court that he is unable to comply with the judgment, as provided under Wis. Stats. § 800.095(4)(a), except that the suspension period may not exceed two years, the court shall take possession of the suspended license and shall forward the license, along with a notice of the suspension, clearly stating that the suspension is for failure to comply with a judgment of the court, to the department of transportation. This subsection does not apply if the forfeiture is assessed for violation of an ordinance that is unrelated to the violator's operation of a motor vehicle.
 - (f) Court authority to impose alternative juvenile dispositions and sanctions.

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- (1) For a juvenile adjudged to have violated an ordinance, a court is authorized to impose any of the dispositions listed in Wis. Stats. §§ 938.343 and 938.344 in accordance with the provisions of those statutes.
- (2) For a juvenile adjudged to have violated an ordinance who violates a condition of a dispositional order of the court under Wis. Stats. §§ 938.343 and 938.344, the municipal court is authorized to impose any of the sanctions listed in Wis. Stats. § 938.355(6)(d) in accordance with the provisions of those statutes.
- (g) Abatement of nuisances. In addition to all penalties and remedies provided in this section, the county shall have the right to abate any public nuisance, as provided in section 1-30 and by state law, and to recover permissible costs therefor.
- (h) Other remedies. The county shall have any and all other legal and equitable remedies afforded by state law in addition to those specifically enumerated in this chapter.
- (i) Time of payment. Any forfeiture and costs imposed as a penalty pursuant to this section or any penalty provision of this Code shall be payable forthwith if so ordered by the court; however, the court may, in its discretion, allow reasonable time for payment or reasonable payment plans, considering the defendant's ability to pay, and the court shall allow any time for payment or payment plan as provided for by any state law applicable at the time of imposition of the forfeiture.
- (j) Failure to pay forfeiture or costs. Whenever any person fails to pay a forfeiture and costs of prosecution upon the order of any court for violation of any ordinance of the county, the court may, in lieu of ordering imprisonment of the defendant, or after the defendant has been released from custody, issue an execution against the property of the defendant for said forfeiture and costs, or proceed with any of the remedies afforded by Wis. Stats. §§ 66.0114, 345.47, 800.09 and 800.095.

State Law reference— Penalty for violation of ordinances, Wis. Stats. § 66.0109; bail generally, Wis. Stats. § 66.0417; outstanding unpaid forfeitures, Wis. Stats. § 66.0115; actions for violations of municipal ordinances, Wis. Stats. § 66.0114; juvenile Justice code, Wis. Stats. § 938.01 et seq.; juvenile courts, Wis. Stats. § 48.03 et seq.; disposition in juvenile cases, Wis. Stats. § 48.33; penalties applicable to Class A, B and C misdemeanors, Wis. Stats. § 939.51.

Sec. 1-26. - Abatement of nuisances.

- (a) Nuisances defined. For purposes of this section, the term "nuisances" includes all acts or omissions defined in this Code or by state law as public nuisances including, but not limited to, those acts enumerated in Wis. Stats. § 823.01 et seq.
- (b) Remedy to include injunction. In addition to all other penalties and remedies under this section, the county may, at its election proceed to abate any condition that constitutes a public nuisance, including seeking injunction against the nuisance as provided in Wis. Stats. § 823.02.
- (c) Enforcement. The inspection officials designated by the county board shall enforce those provisions of this Code that come within the jurisdiction of their offices, and they shall make periodic inspections and inspections upon complaint to ensure that such provisions are not

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violated. No action shall be taken under this section to abate a public nuisance unless the designated officer shall have inspected or caused to be inspected the premises where the nuisance is alleged to exist and has satisfied himself that a nuisance does in fact exist.

- (d) Summary abatement. If the inspecting officer shall determine that a public nuisance exists within the county and that there is great and immediate danger to the public health, safety, peace, morals or decency, the chair may direct the proper officer to cause the same to be abated and charge the cost thereof to the owner, occupant or person causing, permitting or maintaining the nuisance, as the case may be.
- (e) Abatement after notice. If the inspecting officer shall determine that public nuisance exists on private premises but that the nature of such nuisance is not such as to threaten great and immediate danger to the public health, safety, peace, morals or decency, he shall serve notice on the person causing or maintaining the nuisance to remove the same within at least ten days. If such nuisance is not removed within such time period, the proper officer shall cause the nuisance to be removed in the same manner as summary abatement.
- (f) Other methods not excluded. Nothing in this section shall be construed as prohibiting the abatement of public nuisances by the county or its officials in accordance with state law.
- (g) Costs of abatement. In addition to any other penalty imposed by this chapter for the erection, contrivance, creation, continuance or maintenance of a public nuisance, the cost of abating a public nuisance by the county shall be collected as a debt from the owner, occupant or person causing, permitting or maintaining the nuisance, such cost shall be assessed against the real estate as a special charge. In addition, pursuant to Wis. Stats. §§ 823.06, 823.114, and 823.115, the county may, sell real and personal property as provided by law, and apply the proceeds to pay the expenses of abatement, paying the residue, if any, to the violator.

Sec. 1-27. - Responsibility for acts; aiding and abetting.

Every person concerned in the commission of any act prohibited by this Code, whether he directly commits the act or prosecutes, counsels, aids or abets in its commission, may be prosecuted and, upon conviction, is punishable as if he had directly committed such act.

Sec. 1-28. - Failure of officers to perform duties.

The failure of any officer or employee of the county to perform any official duty imposed by this Code shall not subject such officer or employee to the penalty imposed for violation of this Code unless a penalty is specifically provided for such act or omission.

Sec. 1-29. - State uniform municipal citation adopted.

The county adopts the Wisconsin Uniform Municipal Citation and authorizes its use for violation of county ordinances including ordinances for which a statutory counterpart exists. A copy of the adopted state uniform municipal citation is on file in the office of the county clerk.

(Compiled Ords. of 2009, § 1.16.010)

Sec. 1-30. - Bond schedule.

- (a) The bond schedule for all ordinances that have statutory counterparts shall be the same as the bond schedule for the statutory counterpart as listed in the State of Wisconsin Revised Uniform State Traffic Deposit Schedule and Alcohol Beverages, Harassment and Safety Violations Deposit Schedule and a Uniform Misdemeanor Bail Schedule and Trespass to Land Deposit Schedule which is established pursuant to Wis. Stats. §§ 345.26(2)(a), 778.25(3), and 778.26(3), adopted by the Wisconsin Judicial Conference, and any future amendments thereto.
- (b) The bond schedule for ordinances which do not have a state statutory counterpart shall be not more than \$140.00 plus a penalty assessment, court costs, a jail assessment, and an automation fee.
- (c) Any future amendments to the state statutory penalty assessment, court costs, jail assessment, or automation fee will also hereby be adopted. However, the standard deposit for parking illegally, except as otherwise specifically provided herein, shall be \$10.00, plus a \$1.90 penalty assessment, \$10.00 for court costs, a \$10.00 jail assessment, and a \$1.00 automation fee for a total of \$32.90.
- (d) A first offender's violation of section 26-272, disorderly conduct with a motor vehicle, shall be \$50.00, plus a \$9.50 penalty assessment, \$10.00 for court costs, a \$10.00 jail assessment, and a \$1.00 automation fee for a total of \$80.50.
- (e) All other ordinances shall have the standard bond deposit of \$140.00.

(Compiled Ords. of 2009, § 1.16.020)