

Chapter 1 GENERAL PROVISIONS

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On March 13, 2012, the County Board adopted ordinance revisions to codify Resolution No. 39-11, which restructured the County Board committees, boards, and commissions in anticipation of the downsizing of the County Board from 29 to 15 supervisors. Not all ordinance subsections were revised, but those subsections that had material changes will be specifically designated at the end of those subsections.

Sec. 1-1. Title; effective date; citation.

These ordinances shall be known as the “Code of Ordinances, County of Chippewa, Wisconsin” and shall take effect from and after passage and publication as provided in Wis. Stats. § 66.0103. All references thereto shall be cited by section number (example: Section 13-6, Code of Ordinances, County of Chippewa, Wisconsin).

(Code 1980, § 25.06)

Sec. 1-2. Revision and perpetuation of Code.

As each ordinance affecting the Code becomes effective, the clerk shall forward such ordinance to the revisor, who shall incorporate it into the Code. The revisor shall make no substantive changes to such ordinances but may renumber, rearrange and edit them without first submitting them to the County Board; and such rearranging, renumbering and editing shall not affect the validity of such ordinances and resolutions or the provisions of this Code affected thereby.

(Code 1980, § 25.07)

Sec. 1-3. Rules of construction and definitions.

In the construction of this Code, and of all ordinances, resolutions and motions, the rules and definitions set out in this section shall be observed unless such construction would be inconsistent with the manifest intent of the County Board of Supervisors. The rules of construction and definitions set out in this section shall not be applied to any section of this Code that shall contain any express provision excluding such construction, or where the subject matter or context of such section may be repugnant thereto.

- (1) *Acts of agents.* When a provision requires an act to be done which may, by law, as well be done by an agent as by the principal, such requirement shall be construed to include all such acts when done by an authorized agent.
- (2) *Administrator, County Administrator.* The term "Administrator" shall mean the County Administrator as defined in Wis. Stats §59.18.
- (3) *Code.* The terms "Code" and "this Code" shall mean the Code of Ordinances, County of Chippewa, Wisconsin.
- (4) *County.* The terms "the county" and "this county" shall mean the County of Chippewa in the State of Wisconsin.
- (5) *County Board, Board of Supervisors.* The terms "County Board" and "Board of Supervisors" shall mean the Board of Supervisors of Chippewa County, Wisconsin. Unless otherwise provided, the term "Board" means the County Board.
- (6) *Gender, singular and plural.* Every word in this Code and in any ordinance imparting the masculine gender may extend and be applied to females as well as males, and every word imparting the singular number only may extend and be applied to several persons or things as well as to one person or thing; provided these rules of construction shall not be applied to any provision which contains any express language excluding such construction or when the subject matter or context or such provision may be repugnant thereto.
- (7) *May.* The term "may" shall be construed as being permissive.
- (8) *Month.* The term "month" shall mean a calendar month.
- (9) *Must.* The term "must" shall be construed as being mandatory.
- (10) *Nontechnical and technical words.* Words and phrases shall be construed according to the common and approved usage of the language, but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning.
- (11) *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."
- (12) *Officers and employees generally.* Whenever any officer or employee is referred to by title, such as "county clerk" or "sheriff," such reference shall be construed as if followed by the words "of Chippewa County."
- (13) *Owner.* The term "owner," applied to a building or land, shall include any part owner, joint owner, tenant in common, tenant in partnership, joint tenant, of the whole or of a part of such building or land.
- (14) *Person.* The term "person" extends and applies to natural persons, firms, corporations, associations, partnerships or other bodies politic and all entities capable of being sued, unless plainly inapplicable.

- (15) *Personal property.* The term "personal property" includes every species of property except real property.
- (16) *Property.* The term "property" shall include real and personal property.
- (17) *Real property.* The term "real property" shall include lands, tenements and hereditaments.
- (18) *Shall.* The term "shall" shall be construed as being mandatory.
- (19) *State.* The terms "the state" and "this state" shall mean the State of Wisconsin.
- (20) *Tenant and 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 a part of such buildings or lands, either alone or with others.
- (21) *Wisconsin Statutes.* All references to "Wisconsin Statutes" or "Wis. Stats.," shall mean the Wisconsin Statutes for the most current year. Any future amendments, revisions or modifications of the statutes incorporated herein are intended to be made a part of the section.

(Code 1980, § 25.01)

State law references: Similar rules of statutory construction, Wis. Stats. §§ 990.001, 990.002.

Sec. 1-4. Fees and charges ratified.

All existing fees and charges of the county are expressly ratified and confirmed.

Sec. 1-5. Legislation not affected by Code.

- (a) Nothing in this Code or in the ordinance adopting this Code shall affect any ordinance, resolution or motion:
 - (1) Providing for the width of specific highways.
 - (2) Authorizing the sale or purchase of specific chattels or real property.
 - (3) Authorizing the execution of any contract.
 - (4) Providing for the compensation of any county officer or employee.
 - (5) Dealing with the annual budget.
 - (6) Providing for an annual tax levy on real estate.
 - (7) Providing for an appropriation or transfer of funds.
 - (8) Including roads in or excluding roads from the county road system.
 - (9) Appointing specific individuals to offices or positions.

- (10) Dealing with bond issues.
 - (11) Granting a franchise or special permit.
 - (12) That is temporary although general in effect.
 - (13) Regarding personnel policies.
 - (14) That is special although permanent in effect.
 - (15) The purpose of which has been accomplished.
- (b) The provisions referred to in subsection (a) of this section are recognized as continuing in full force and effect to the same extent as if set out at length in this Code.

Sec. 1-6. Code does not affect prior offenses, rights, penalties.

- (a) Nothing in this Code or the ordinance adopting this Code shall affect any offense or act committed or done, or any penalty or forfeiture incurred, or any contract or right established or accruing before the effective date of this Code.
- (b) 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.

State law references: Similar rule of construction for state code, Wis. Stats. § 991.03.

Sec. 1-7. Provisions as continuation of existing ordinances.

The provisions of this Code, insofar as they are substantially the same as legislation previously adopted by the county relating to the same subject matter, shall be construed as restatements and continuations and not as new enactments.

State law references: Similar rule of construction for state code, Wis. Stats. § 991.08.

Sec. 1-8. Catchlines of sections; references to Code; history notes.

- (a) The catchlines of the several sections of this Code printed in boldface type are intended as mere catchwords to indicate the contents of the section and shall not be deemed or taken to be the title of such sections, nor as any part of the section; nor, unless expressly so provided, shall they be so deemed when any of such sections, including the catchlines, are amended or reenacted.

State law references: Similar rule of construction for state code, Wis. Stats. § 990.001(6).

- (b) References in this Code to chapters, articles, divisions or sections are to chapters, articles, divisions or sections of this Code unless stated otherwise.
- (c) Editor's notes, cross references and references to the Wisconsin Statutes that appear in footnotes to this Code are for reference purposes only and are not part of this Code.
- (d) History notes appearing at the end of sections of this Code are for reference purposes only and are not part of this Code.

Sec. 1-9. Conflict, interpretation and severability.

- (a) *Conflict and interpretation of provisions.* If the provisions of the different chapters of this Code conflict with or contravene each other, the provisions of each chapter shall prevail as to all matters and questions arising out of the subject matter of such chapter. In their interpretation and application, the provisions of this chapter shall be held to be the minimum and are not deemed a limitation or repeal of any other power granted by Wisconsin Statutes. Where any terms or requirements of this ordinance may be inconsistent or conflicting, the more restrictive requirements or interpretations shall apply.
- (b) *Severability of code provisions.* If any section, subsection, sentence, clause or phrase of the Code 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 section, subsection, sentence, clause or phrase or portion thereof. The County Board declares that it would have passed this Code and each section, subsection, sentence, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions may be declared invalid or unconstitutional.

(Code 1980, § 25.02)

Sec. 1-10. Clerk to file documents incorporated by reference.

Whenever in this Code any standard, code, rule, regulation 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 file, deposit and keep in his office a copy of the code, standard, rule, regulation or other written or printed matter as adopted. Materials so filed, deposited and kept shall be public records open for examination with proper care by any person during the county clerk's office hours, subject to such orders or regulations which the county clerk may prescribe for their preservation.

(Code 1980, § 25.03)

Sec. 1-11. Penalty provisions.

- (a) *General penalty.* Any person who shall violate any of the provisions of this Code, which does not contain a specific penalty provision, shall upon conviction of such violation be subject to a forfeiture, which shall be as follows:
- (1) *First offense.* Any person who shall violate any provision of this Code shall, upon conviction thereof, forfeit not less than \$50.00 nor more than \$100.00, together with the costs of prosecution and assessments.
 - (2) *Second offense.* Any person found guilty of violating any ordinance or part of this Code who shall previously have been convicted of a violation of this Code within one year shall, upon conviction thereof, forfeit not less than \$100.00 nor more than \$500.00 for each such offense, together with costs of prosecution and assessments.
- (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.

(Code 1980, § 25.04; Ord. No. 14-02, § 1, 9-10-2002; Ord. No. 5-04, § 2, 6-8-2004)

Sec. 1-12. Citation method of enforcement.

- (a) *Authority.* Pursuant to Wis. Stats. § 66.0113, the county authorizes the citation method of enforcement for violation of ordinances, including those for which a statutory counterpart exists.
- (b) *Form of citation.* The citation shall contain the following:
 - (1) The name and address of the alleged violator.
 - (2) The factual allegations describing the alleged violation.
 - (3) The time and place of the offense.
 - (4) The section of the ordinance violated.
 - (5) A designation of the offense in such manner as may readily be understood by a person making a reasonable effort to do so.
 - (6) The time at which the alleged violator may appear in court.
 - (7) A statement which, in essence, informs the alleged violator:
 - a. That he may make a cash deposit based on the schedule established in this chapter to be delivered or mailed to the clerk of circuit court prior to the time of the scheduled court appearance.
 - b. That, if he makes such a deposit, he need not appear in court unless he is subsequently summoned.
 - c. That if the alleged violator makes a cash deposit and does not appear in court, he either shall be deemed to have tendered a plea of no contest and submitted to a forfeiture, a penalty assessment imposed by Wis. Stats. § 757.05, a jail assessment imposed by Wis. Stats. § 302.46(1), a crime laboratories and drug law enforcement assessment imposed by Wis. Stats. § 165.755, any applicable consumer information assessment imposed by Wis. Stats. § 100.261 and any applicable domestic abuse assessment imposed by Wis. Stats. § 973.055(1) not to exceed the amount of the deposit or shall be summoned into court to answer the complaint if the court does not accept the plea of no contest.
 - d. That if the alleged violator does not make a cash deposit and does not appear in court at the time specified, the court may issue a summons or a warrant for the defendant's arrest or consider the nonappearance to be a plea of no contest and enter judgment under this subsection, or the municipality may commence an action against the alleged violator to collect the forfeiture, the penalty assessment imposed by Wis. Stats. § 757.05, the jail assessment imposed by Wis. Stats. § 302.46(1), the crime laboratories and drug law enforcement assessment imposed by Wis. Stats. § 165.755, any applicable consumer information assessment imposed by Wis. Stats. § 100.261 and any applicable domestic abuse assessment imposed by Wis. Stats. § 973.055(1).

- e. That if the court finds that the violation involves an ordinance that prohibits conduct that is the same as or similar to conduct prohibited by state statute punishable by fine or imprisonment or both, and that the violation resulted in damage to the property of or physical injury to a person other than the alleged violator, the court may summon the alleged violator into court to determine if restitution shall be ordered under Wis. Stats. § 800.093.
- f. A direction that if the alleged violator elects to make a cash deposit, the alleged violator shall sign an appropriate statement which accompanies the citation to indicate that he or she read the statement required under subsection (b)(7) of this section and shall send the signed statement with the cash deposit.
- g. Such other information as may be deemed necessary.

(c) *Issuance of citations.*

- (1) Law enforcement officers may issue citations for all county ordinances under this section.
 - (2) The following officials are authorized to issue citations for violations with respect to ordinances which are directly related to the official responsibility of the officials.
 - a. Planning and Zoning Administrator/Land Information Officer or his designee.
 - b. Environmental Sanitarian.
 - c. County Forest Administrator.
 - d. Emergency Management Director.
 - e. Human Services Director.
 - f. County Health Officer / Public Health Director or his designee.
 - g. Director of the Department of Land Conservation and Forest Management or his designee.
 - h. County Administrator or his designee.
- (d) *Procedure.* Wis. Stats. § 66.0113(3), relating to a violator's options and procedures on default is adopted and incorporated in this section by reference.
- (e) *Relationship to other laws.* The adoption and authorization for use of a citation under this section shall not preclude the county from adopting any other ordinances or providing for the enforcement of any other law or ordinance relating to the same or any other matter. The issuance of a citation under this section shall not preclude the proceeding under any other ordinance or law relating to the same or any other matter. The proceeding under any other ordinance or law relating to the same or any other matter shall not preclude the issuance of a citation under this section.
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(f) *Deposit schedule.*

- (1) The following schedule of cash deposits are required for the following ordinance violations for which a citation may be issued.

(a) All applicable court costs that are prescribed or adopted by the Wisconsin Judicial Conference shall be added to the deposits set forth below.

(b) The deposit and the court costs shall be totaled together to establish the amount of the forfeiture placed on the citation.

TABLE INSET:

	Nature	Code Section	Deposit
1.	False Alarm	46-2	
	4—5		\$ 25.00
	6 or over		100.00
2.	Disorderly Conduct	46-1	100.00
3.	Unnecessary Accelerating	46-3	100.00
4.	Display of Bright Lights	46-10	50.00
5.	Underage Drinking	6-1	100.00
6.	Fraud on Hotel or Restaurant Keeper	46-1	100.00
7.	Worthless Checks	46-1	100.00
8.	Misrepresenting Age	46-4	25.00
9.	Prohibited Use of Official ID Cards	46-5	
	Adult		100.00
	Juvenile		25.00
10.	Trespass	46-6	100.00
11.	Retail Theft	46-1	100.00
12.	Litter	62-61--62-64	100.00
13.	Operation of Vehicle on Frozen Surface	58-38	100.00
14.	THC and Drug Paraphernalia	46-1	100.00
15.	Obstructing Officer	46-1	100.00
16.	Emergency Management	22-1	200.00
17.	Abandoned Vehicles	58-6	100.00
18.	Nonmetallic Mining	Ch. 30, Art. II	200.00
19.	Public Welfare Fraud	34-37	200.00
20.	Health Hazards	Ch. 34, Art. II	100.00
21.	Large Assembly	Ch. 14, Art. III	1,000.00
22.	Recycling	Ch. 62, Art. III, Div 2	50.00
23.	Building Code	10-5	100.00
24.	Private Water System	62-38(e)(2)	100.00
25.	Animal Waste	Ch. 62, Art. IV, Div. 3	200.00
26.	Shoreland Zoning	54-31	200.00
27.	Zoning Code	70-31(c)	200.00
28.	Subdivision and Platting	38-31	50.00
29.	Parks	50-2	100.00
30.	General Penalty	1-11	50.00

- (2) The bond schedule for motor vehicle and parking violations is set forth in the uniform state traffic deposit schedule, by reference made a part hereof.

- (3) The schedule of cash deposits set forth in subsection (a) of this section is for a first offense. The deposit schedule for any person who shall violate any provision of this section who shall previously have been convicted of a violation of the same ordinance within one year of the date of the alleged second offense shall be subject to a cash deposit double the amount stated in subsection (a) of this section plus the costs.

- (4) Each violation and each day a violation continues or occurs shall constitute a separate offense.
- (5) The deposits set forth in subsection (a) of this section shall be made in cash, personal check, credit card, money order or certified check to the clerk of circuit court.

(Code 1980, § 25.05) (Ord. No. 02-12, 03-12-2012)

Sec. 1-13. Effect of repeal of ordinance, resolution, etc.

- (a) When any ordinance, resolution or motion repealing a former ordinance, resolution, motion, clause or provision shall be itself repealed, such repeal shall not be construed to revive such former ordinance, resolution, motion, clause or provision unless it shall be so expressly provided.
- (b) The repeal of an ordinance, resolution or motion shall not affect any punishment or penalty incurred before the repeal took effect, nor any suit, prosecution or proceeding pending at the time of the repeal, for an offense committed or cause of action arising under the ordinance, resolution or motion repealed.

State law references: Similar rule of statutory construction, Wis. Stats. §§ 990.03, 991.03.