

**WAUPACA COUNTY CODE OF ORDINANCES**  
**Chapter 25**  
**Construction and Effect of Ordinances**

**25.01 RULES OF CONSTRUCTION:**

- A.** In the construction of this Code of General Ordinances, the following rules shall be observed unless such construction would be inconsistent with the manifest intent of the ordinance:
1. Wisconsin Statutes. All references to “Wisconsin Statutes” or “Wis. Stats.”, wherever used in this Code, shall mean the most current Wisconsin Statutes or the statute equivalent to those in effect at the time of the implementation of this ordinance, should there be changes in Statute numbering.
  2. 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 provisions which contain any express language excluding such construction or when the subject matter or context of such provisions may be repugnant thereto.
  3. Person. The word “person” extends and applies to natural persons, firms, corporations, associations, partnerships or other bodies politic and all entities of any kind capable of being sued unless plainly inapplicable.
  4. 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 requirements shall be construed to include all such acts when done by an authorized agent.

**25.02 CONFLICT AND SEPARABILITY:**

- A.** **CONFLICT 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.
- B.** **SEPARABILITY OF CODE PROVISIONS.** If any section, subsection, sentence, clause or phrase of the Code is for any reason held to be invalid or unconditional 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 Board hereby declares that they 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.

**25.03 COUNTY CLERK TO FILE DOCUMENTS INCORPORATED BY REFERENCE:**

- A. 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.

**25.04 PENALTY PROVISIONS:**

- A. **PENALTY IMPOSED.** Any person who shall violate any of the provisions of this Code shall upon conviction of such violation be subject to a penalty.
- 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 a person fails to pay any 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 such forfeiture and costs.
- D. **ISSUANCE OF CITATIONS:**
  - 1. **Method.** Pursuant to Sec. 66.0113(1), Wis. Stats., the County of Waupaca elects to use the citation method of enforcement of ordinances including ordinances for which a statutory counterpart exists.
  - 2. **Form.** The citation shall contain the following:
    - a. The name and address of the alleged violator.
    - b. Factual allegations describing the alleged violation.
    - c. The time and place of the offense.

- d. The section of the ordinance violated.
- e. A designation of the offense in such manner as can readily be understood by a person making a reasonable effort to do so.
- f. The time at which the alleged violator may appear in court.
- g. A statement which in essence informs the alleged violator:
  - 1. That a cash deposit based on the schedule established by Waupaca County may be made which shall be delivered or mailed to the Clerk of Courts prior to the time of the scheduled court appearance.
  - 2. That if a deposit is made, no appearance in court is necessary unless he is subsequently summoned.
  - 3. That if a cash deposit is made and the alleged violator does not appear in court, he will be deemed to have entered a plea of no contest, or, if the court does not accept the plea of no contest, a summons will be issued commanding him to appear in court to answer the complaint.
  - 4. That if no cash deposit is made and the alleged violator 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 pursuant to Wis. Stats. 66.0113(3)(d), or the municipality may commence an action against the alleged violator to collect the forfeiture, the penalty assessment imposed by s. 165.87, the jail assessment imposed by s. 302.46 (1), the crime laboratories and drug law enforcement assessment imposed by s. 165.755 and any applicable domestic abuse assessment imposed by s. 973.055 (1).
  - 5. 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 s. 800.093.

- h. A direction that if the alleged violator elects to make a cash deposit, the statement which accompanies the citation shall be signed to indicate that the statement required under g, above has been read. Such statement shall be sent or brought with the cash deposit.
- i. Such other information as the County deems necessary.

**E. PENALTIES**

1. Any person who shall violate any provisions of the Waupaca County Code of Ordinances shall, upon conviction, forfeit not less than \$5.00 nor more than \$500.00, together with applicable costs.
2. Any minor who violates any provision of the Waupaca County Code of Ordinances will be issued a citation without additional costs. The imposition of costs may be added upon conviction, at the discretion of the Judge assigned to hear the matter.

**Waupaca County Sheriff's Department  
Fine Amounts for Ordinance Violations  
Effective July 2010**

<b>Ordinance</b>	<b>State Statute</b>	<b>Description</b>	<b>Recommended Forfeiture</b>
9.01(3)	125.08(3)	ID card violations	300.00*
9.01(5a)	125.32(3)	Closing Hours Class B	300.00*
9.01(5b)	125.68(4)	Closing Hours Class A	300.00*
9.01(6)	254.92(2m)	Purchase/Provide Cigarettes/Minors	150.00*
9.01(7)	940. 19(1)	Battery	200.00*
9.01(9)	948.51	Hazing	250.00*
9.01(10)	940.01	Negligent operation of motor vehicle	250.00*
9.01(11)	941.10	Negligent handling/burn materials	250.00*
9.01(12)	941.13	False Alarm	300.00*
9.01(13)	941.20	Reckless Use of a Weapon	300.00*
9.01(14)	941.23	Carrying a Concealed Weapon	300.00*
9.01(15)	941.235	Carry Weapon in a Public Building	300.00*
9.01(19)	943.01(1)	Damage to property (\$500<damage)	150.00*
9.01(22)	943.13	Trespass to Land	100.00*
9.01(24)	943.14	Trespass to Dwelling	150.00*
9.01(29)	943.21	Fraud on Hotel or Restaurant	150.00*
9.01(32)	943.24	Issuance of Worthless Checks	100.00*
9.01(33)	943.50(1)(m)	Retail Theft (Shoplifting)	200.00*
9.01(38)	946.40	Refusing to Aid an Officer	150.00*
9.01(39)	946.41	Resist or Obstructing an Officer	300.00*
9.01(42)	947.01	Disorderly Conduct	100.00*
9.01(45)	947.02	Vagrancy	150.00*
9.05		Littering	200.00*
9.06	125.07(4)	Minors/alcohol violations	50.00<17yrs 100.00>17yrs*
9.07		Possession of Controlled Substance	200.00*
9.08	29.314(5)	Shine Wild Animals (after 10 p.m.)	50.00*
9.09		Loitering/prowling	150.00*
9.10		Drug Paraphernalia Offenses	200.00*
9.12		D C w/vehicle	150.00*
9.15		Curfew	50.00<17yrs 100.00>17yrs*

\*Plus current Court Costs listed in the State of Wisconsin Bond Book.

3. Deposit shall be made in cash, money order or certified check to the Clerk of Courts of the County of Waupaca who shall provide a receipt thereof.
4. Who May Issue.
  1. Law enforcement officer. Any law enforcement officer may issue citations authorized under this ordinance.
  2. County Officials. The following County officials, or their designee, may issue citations which are directly related to their official responsibilities.
    - a. Zoning Administrator
    - b. Sanitary Inspector
    - c. Director of Solid Waste and Parks
    - d. Sanitarian
    - e. County Conservationist
    - f. Public Health Officer
    - g. Law Enforcement Officer
5. Procedure. Section 66.0113(3), relating to violator's options and procedure on default, is hereby adopted and incorporated herein by reference.
6. Nonexclusive.
  - a. Adoption of this ordinance does not preclude the County Board from adopting any other ordinance or providing for the enforcement of any other law or ordinance relating to the same or other matters.
  - b. The issuance of a citation hereunder shall not preclude the County or any authorized officer from proceeding under any other ordinance or law or by any other enforcement method to enforce any ordinance, regulation or order.

**25.05 EFFECTIVE DATE:**

The amendments made to this ordinance shall take effect after passage by the Waupaca County Board.