

CHAPTER 1

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CHAPTER 1

GENERAL PROVISIONS

1.101 Title

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

[State law references: Authority to codify ordinances, Wis. Stats. § 66.0103; citation of statutes, Wis. Stats. § 991.12.]

1.102 Construction

Except where the terms of the ordinance require otherwise, these ordinances shall be construed according to the rules of construction established by Wisconsin law.

1.103 Definitions

Except where an ordinance explicitly defines a term or word, the terms or words of these ordinances shall be given their usual and ordinary meaning in accordance with any generally recognized dictionary.

1.105 Scope

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.

1.106 Conflicts

(1) 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.

(2) 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.

(3) If any of the provisions hereof conflict, and the conflict cannot be resolved by application of subsection (1) or (2) of this section, the more stringent regulation shall apply and the specific provision shall prevail over the general.

1.107 Catchlines

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

1.108 History Notes, Editor's Notes; No Legal Effect

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

1.109 References to Chapters

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.

1.110 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 references: Severability, Wis. Stats. § 990.001(11).]

1.111 Prior Offenses or Rights Not Affected

(1) Nothing in this Code or the ordinance adopting this Code affects any offense or act committed or done, any penalty or forfeiture incurred, or any contract or right established before the effective date of this Code.

(2) The adoption of this Code does not authorize any use or the continuation of any use of a structure or premises in violation of any county ordinance on the effective date of this Code.

1.112 Effective Date

(1) Code. This Code shall take effect from and after passage and publication as provided by state law.

(2) 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 references: Similar provision regarding statutes, Wis. Stats. § 991.11.]

1.115 Existing Use Violations Not Authorized

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.

1.120 Amendments

(1) All new ordinances and all amendments to these ordinances hereinafter enacted shall conform to the drafting style and format rules set forth in Part 1 of the Administrative Rules Manual of the Wisconsin Legislative Council. 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.

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

(3) 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 of Rock 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.

(4) 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.

1.121 Effect of Amendments

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.

1.122 Keeping Code Current; Reviser's Amendments

As each ordinance affecting this Code becomes effective, the clerk shall forward such ordinance to the reviser, who shall be the Rock County Corporation Counsel, and who shall incorporate the ordinance into this Code. The reviser shall make no substantive changes to such ordinances but may renumber, rearrange and correct obvious typographical errors and edit them without first submitting them to the County Board. Such rearranging, renumbering and editing shall not affect the validity of such ordinances or the provisions of this Code affected by such ordinances.

1.123 General Penalty

(1) Established. 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 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:

(A) 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 \$5,000.00. 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.

(B) 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 \$5,000.00 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 \$600.00, then that larger penalty shall be applicable to second and subsequent violations.

(2) 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.

(3) 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.

(4) 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.

(5) 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.

(6) Court authority to impose alternative juvenile dispositions and sanctions.

(A) 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 Wis. Stats. § 938.344 in accordance with the provisions of those statutes.

(B) 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 Wis. Stats. § 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.

(7) 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 this Code and by state law, and to recover permissible costs therefor.

(8) 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.

(9) 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.

(10) 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 references: 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; fines and costs in municipal court, Wis. Stats. § 814.65; 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.]

1.124 Abatement of Nuisances

Chapter 823 (Nuisances) of the Wisconsin Statutes (2009-2010) and as thereafter amended, is adopted by reference with full force and effect as if set forth in full.

1.127 Clerk to Maintain Code

- (1) County code of ordinances. Copies of this Code shall be kept available at the county clerk's office for public inspection.
- (2) 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.
- (3) 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.

1.130 Fee Schedule

Fees for permits, licenses, and other county services shall be as established from time to time by resolution or ordinance, as required by law, of the County Board.

1.131 Establishing Guidelines for Filing and Recording of Real Estate Related Documents.

- (1) The cut-off reception time for the filing and recording of documents in the Register of Deeds office shall be one hour prior to the closing time of the office any official business day during which the Register of Deeds office is open to the public. Any document received for filing and recording after such cutoff time, shall be filed and recorded as of the next official business day that the Register of Deeds is open to the public, which shall also be the day of reception.

(2) (A) Pursuant to Wis. Stat. § 59.43(7)(b), the Register of Deeds shall not accept for recording any document which is executed and recorded for the purposes of conveying any interest in real property, as defined by Wis. Stat. § 706.01(4), unless such document contains the parcel identification number of the real property of the parcel to which the conveyance applies.

(B) Any document which conveys an interest in real property for a newly created parcel for which a parcel identification number has not been assigned shall identify on the conveyance document the parcel identification number of the parcel from which the newly created parcel was formed.

1.132 Limitation on Claims for Damage by Dogs to Certain Domestic Animals

Claims by owners of certain domestic animals, as defined in Chapter 174, Stats., that have been injured by dogs shall be submitted in accordance with all requirements of section 174.11, Stats. Claims shall be submitted on the standard form as prescribed by the State of Wisconsin, Department of Agriculture, Trade and Consumer Protection and administered locally through the County Clerk's office. A certified copy of a police or sheriff's investigative report shall be attached to all claim forms. The maximum amount payable for damages by dogs to certain domestic animals under section 174.11, Stats., shall be limited on a per incident basis to the lesser of the owner's out-of-pocket costs related to the deductible associated with a private insurance policy or \$1,000.00 provided that sufficient funds are available in the dog license fund to pay the amount allowed.

Definitions :

Per incident basis - all claims arising from occurrences within a 24 hour period.

1.133 Interjurisdictional Agreements Required

(1) It is the intent of this section to allow appropriate crisis intervention services and to prevent the taxpayers of the County from paying the costs associated with residents of other jurisdictions when those residents are placed in certain temporary living situations within the County.

(2) This section requires certain facilities that accept such placements of out-of-county residents to obtain and maintain current interjurisdictional agreements, thus effectively facilitating proper crisis intervention services and relieving the County taxpayers of unnecessary expenses.

(3) For the purposes of this section, an interjurisdictional agreement shall consist of a written document containing the following:

(A) The name of the person being placed in the County from another jurisdiction (subject) and the date placement is to be effected.

(B) The physical address and telephone number where the subject is to be placed (placement).

(C) The type of license or certification held by the placement (e.g., skilled nursing facility, child family foster home, adult family home, community-based rehabilitation facility).

(D) The name and mailing address of the legal entity holding the license or certification identified in item (C) above (licensee).

(E) The name, mailing address, telephone number and after-hours contact information for the jurisdiction placing the subject (home jurisdiction).

(F) The legal status of the subject (e.g., Wis. Stats. §51.20, § 55.12, ch. 48, ch. 938, ch. 54 voluntary).

(G) A statement that the subject remains a resident of the home jurisdiction, and that the home jurisdiction retains financial responsibility for the subject, including costs associated with Wis. Stats. § 51.15, emergency detention or § 55.13, emergency protective services, while placed in the County.

(H) Any special instructions deemed necessary by the home jurisdiction for after-hours care or hospitalization.

(I) Signatures of authorized representative of both licensee and home jurisdiction.

(4) An interjurisdictional agreement shall be provided to the County department of health and human services at or before the date of placement of the subject in the County. Current documentation of subject's legal status shall accompany the interjurisdictional agreement.

(5) The interjurisdictional agreement and documentation of legal status shall be updated and provided to the County department of health and human services by the licensee within five calendar days of any changes to the agreement or client's legal status.

(6) Penalty.

(A) Any person, firm, or corporation who fails to comply with the provisions of this section shall, upon conviction thereof, forfeit not less than \$25.00 nor more than \$100.00 and costs of prosecution for each violation. Each day a violation exists or continues shall constitute a separate offense. Each subject residing at the placement facility shall constitute a separate violation.

(B) The penalty provisions of this section shall be invoked when a subject receives crisis intervention services through the County, including but not limited to Wis. Stats. § 51.15, emergency detention of § 55.13, emergency protective services.

(7) Exemption. An interjurisdictional agreement under this section shall not be required for any person placed from a County that is a current signatory to an intercounty agreement on adult venue to which the County is also a party.

Repealed and Recreated 1/10/13 Res. No. 12-12A-190

Section 1.120 Amended 9/11/14 Res. No. 14-8A-080

Section 1.133 Created 7/9/15 Res. No. 15-6B-325

Section 1.131 Repealed and Recreated 12/15/22 Ord. No. O-2022-2