

CHAPTER 25

**CONSTRUCTION AND EFFECT OF ORDINANCES
AND CITATIONS**

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25.01 DEFINITIONS.

(1) General Rule. Words which are not specifically defined shall be defined as they are ordinarily and commonly used. A dictionary such as the American Heritage Dictionary or Webster's New Collegiate Dictionary, Ninth Edition, may be used as evidence of the meaning of words.

(2) Specific Definitions.

(a) "Board" means the County Board of Supervisors unless the context indicates otherwise.

(b) "County" means La Crosse County unless specifically indicated otherwise.

(c) "Highway" shall mean a county trunk highway unless the context indicates otherwise.

(d) "Person" means a natural person, corporation, partnership, group, or entity unless the context indicates the term should be limited to natural persons.

(e) "Motor vehicle" has the meaning given in Wis. Stat. s. 340.01(35).

(f) "Time" shall mean the hour, minute, and second of Central Standard time or, when applicable, Central Daylight Time, as established by the Congress of the United States.

25.02 RULES OF CONSTRUCTION. 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) Intent. All ordinances shall be construed to fulfill their manifest policy and intent and to work substantial justice.

(2) Gender. All personal pronouns shall not be gender specific. Male shall include female unless a provision is particularly applicable to either gender.

(3) Singular and Plural. 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 application of the rule would lead to unreasonable or absurd results.

(4) Legal References Include Amendments. References to a provision of federal or state legislation or administrative regulations shall be deemed to include amendatory acts to the provision referenced.

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(5) Tense. The present tense shall include the future, unless the context makes the future tense inapplicable. The future perfect includes both past and future tenses.

(6) Agency. When a provision requires an act to be done which may, by law, as well as 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.

25.03 CONFLICT AND SEVERABILITY.

(1) 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.

(2) SEVERABILITY OF 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 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.

25.04 CITATION PROVISIONS.

(1) Authority. The use of a citation for violations of any ordinance, including ordinances for which a statutory counterpart exists, is adopted and authorized pursuant to Wis. Stat. s. 66.0113.

(2) ISSUANCE OF CITATIONS.

(a) Method. Pursuant to Sec. 66.0113, Wis. Stats., the County of La Crosse adopts and authorizes the use of a citation to be issued for violations of ordinances, including ordinances for which a statutory counterpart exists.

(b) Form. The citation shall contain the following:

1. The name and address of the alleged violator.
2. 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 can 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.

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7. A statement which, in essence, informs the alleged violator:

a. That a cash deposit based on the schedule established by this section may be made which shall be delivered or mailed to the Treasurer prior to the time of the scheduled court appearance.

b. That if a deposit is made, no appearance in court is necessary unless he is subsequently summoned.

c. That if a cash deposit is made and the alleged violator does not appear in court, he or she will be deemed to have entered a plea of no contest and submitted to a forfeiture, plus costs, fees and surcharges imposed by state law, or, if the court does not accept the plea of no contest, a summons will be issued commanding him or her to appear in court to answer the complaint.

d. 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 warrant for the defendant's arrest, or consider the nonappearance to be a plea of no contest and enter judgment if allowed under s. 66.0113(3)(d), Wis. Stats., or an action may be commenced to collect the forfeiture.

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 s. 800.093.

8. 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 para. 7. above has been read. Such statement shall be sent or brought with the cash deposit.

9. Such other information as the County deems necessary.

(c) Schedule of Deposits. The following schedule of cash deposits is established for use with citations issued under this section:

Ordinance:	Offense Deposits: (Does not Include statutory costs)
Dog Control Ordinance	\$50 minimum; \$100 maximum
Environmental Health or Public Health/Welfare	\$50 minimum; \$500 maximum
Erosion Control/Land Disturbance	\$100 minimum; \$500 maximum
Floodplain Zoning	\$50
Mobile Tower	\$100 minimum; \$500 maximum
Outdoor Advertising	\$100 minimum; \$500 maximum (1 st Offense)

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Park Regulations	\$50 minimum; \$200 maximum
Possession of Marijuana – S. 9.16	\$100
Possession of Drug Paraphernalia – S. 9.17	\$100
Public Works	\$50 minimum; \$200 maximum
Solid Waste Management	\$50 minimum; \$200 maximum
Sanitation Code	\$50 minimum; \$500 maximum
Shoreland Zoning	\$100 minimum; \$200 maximum
Subdivision Code	\$100
Zoning Code	\$100 minimum; \$500 maximum

Deposit shall be made in cash, money order or certified check to the La Crosse County Clerk of Court who shall provide a receipt therefore.

(d) Who May Issue.

1. Any law enforcement officer in the county may issue citations for enforcement of any ordinance authorized under this Chapter. "Law enforcement officer" means any person employed by La Crosse County or any city, village, or town within La Crosse County for the purpose of preventing and detecting crime and enforcing state laws or local ordinances and who is authorized to make arrests for violations of the laws or ordinances he or she is employed to enforce.

2. County Officials. (Am. #5-92) The following County officials may issue citations which are directly related to their official responsibilities.

- a. Zoning and Planning Administrator.
- b. Code Enforcement Specialist (Zoning Department).
- c. Health Department Director.
- d. Registered Sanitarian.
- e. Environmental Health Manager.
- f. Facilities Director.
- g. Parks Supervisor.
- h. Humane Officer.
- i. Solid Waste Director.
- j. Vector Control Manager.
- k. Land Conservation Director.

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l. Soil Conservationist.

m. Urban Erosion Technician.

(e) Procedure. Section 66.0113(3), Wis. Stats., relating to violator's options and procedure on default, is hereby adopted and incorporated herein by reference.

(f) Nonexclusivity.

1. Adoption of this chapter 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.

2. 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.

(3) Penalties and Other Enforcement Provisions.

(a) GENERAL PENALTY. Except as otherwise specifically provided in this Code, any person who shall violate any of the provisions of this Code shall upon conviction of such violation be subject to a penalty, which shall be as follows:

1. First Offense--Penalty. Any person who shall violate any provision of this Code shall, upon conviction thereof, forfeit not less than \$25.00 nor more than \$500, together with the costs of prosecution, and in default of payment of such forfeiture and costs of prosecution shall be imprisoned in the County Jail until such forfeiture and costs are paid, but not exceeding 90 days.

2. Second Offense--Penalty. Any person found guilty of violating any ordinance or part of an ordinance of this Code who shall previously have been convicted of a violation of the same ordinance within one year shall, upon conviction thereof, forfeit not less than \$50.00 nor more than \$500 for each such offense, together with costs of prosecution and in default of payment of such forfeiture and costs shall be imprisoned in the County Jail until such forfeiture and costs of prosecution are paid, but not exceeding 90 days.

(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 in law or equity 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.

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(d) Restitution. A court may also order restitution where authorized by s. 800.093, Wis. Stats.

(e) Liability for Damages. A person who causes physical damages to or destroys any public property is liable for the cost of repairing or replacing the damaged or destroyed property. The parent or parents with custody of a minor child may be held liable for damages to property, the cost of repairing or replacing property or removing the marking, drawing, writing, or etching from property, the value of unrecovered stolen property, or for personal injury attributable to a willful, malicious, or wanton act of the child as provided in Wis. Stat. s. 895.035.

25.05 REVISION AND MAINTENANCE OF THIS CODE.

(1) All ordinances adopted by the La Crosse County Board of Supervisors after the effective date of codification of this Code shall be enacted as part of the Code unless the Board specifies that the provision shall be non-codified.

(2) 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 s if fully set forth herein.

(3) Procedure for Code Revision. For the purpose of the Code, the County Clerk shall be revisor of the Code. As such, the revisor shall be empowered to correct typographical errors in enactments, classify ordinances to the Code and print revised pages of the Code for insertion in the Code binders of Code subscribers. The revisor shall also be empowered to adjust section and subsection numbers in order to maintain the uniform style of the Code prescribed in subsection (5) of this section. The County Clerk, after consulting with Corporation Counsel, is authorized to correct erroneous references to the committees, boards, and commissions of the County Board in the La Crosse County Code and incorrect sections numbers and statutory references where this can be done without changing in any way the substantive effect of said Code. The County Clerk shall report all such additions, corrections, and deletions in writing to the Board when the same have been completed.

(4) Proof of Code Provisions. A copy of the Code shall be prima facie evidence of its substance. The definitive copy of the Code shall be the Master Binder maintained in the office of the county Clerk of La Crosse County.

(5) Style of Code. All amendments to this Code shall be drafted on the following format:

(a) Chapter titles and headings.

1. Each chapter of the Code shall be given a concise, plain title. The chapter number shall be spelled out and typed in capital letters, and the chapter title shall be typed all in capital letters. The resulting title shall be centered and set off from the body of the chapter by two line spaces.

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2. There shall be a table of contents for each chapter following the title. The table shall have a list of the sections of the chapter accompanied by a brief description of each section of the chapter.

(b) Text. The text of each chapter shall be divided into sections. Sections shall be numbered with the chapter number, a period and a section number. Sections shall be numbered from .01 through .99. If an amendment logically belongs between two existing sections, it may be inserted between them and given a third decimal place number to separate it from the preceding section. e.g., Section 12.125 between 12.12 and 12.13.

(c) Subsections. If a section must be subdivided into sections, the division shall be as follows:

1. The first subdivision shall be an Arabic number, starting in sequence from 1 and placed in parentheses, e.g., (1).

2. The second subdivision shall be a small case letter starting from (a) and going through the English alphabet. If more than 26 subdivisions are required, the 27th subdivision shall be (aa), going through (az), then (ba) and so on. This subdivision letter shall also be enclosed by parentheses.

3. The third subdivision shall be Arabic numerals starting with 1. These numerals shall be followed by a period, e.g., 1.

4. The fourth subdivision shall be small case English letters sequenced as stated in subsection 2. of this subsection. These letters shall be followed by a period.

5. The fifth subdivision shall be small case roman numerals followed by a period, e.g., i; ii.

(6) Incorporation of Changes in State Statutory Provisions. Where a provision of this Code has been adopted under a provision of state law, the Code provision shall be repealed if the state law authorizing it is repealed. The County Clerk shall report any such changes to the Board.

25.06 EFFECT OF REPEALS. The repeal or amendment of any section or provision of this Code or of any other ordinances or resolutions of the Board shall not:

(1) By implication be deemed to revive any ordinance not in force or existing at the time at which such repeal or amendment takes effect.

(2) Affect any vested right, privilege, obligation or liability acquired, accrued or incurred under any enactment so repealed or amended, unless the privilege of repealing such obligation or privilege has been reserved by the County.

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(3) Affect any offense committed or penalty or forfeiture incurred previous to the time when any ordinance shall be repealed or amended; except when any forfeiture or penalty shall have been mitigated by the provisions of any ordinance, such provisions shall apply to and control any judgment to be pronounced after such ordinance takes effect for any offense committed before that time.

(4) Affect any prosecution for any offense, or the levy of any penalty or forfeiture pending at the time when any ordinance aforesaid shall be repealed or amended; but the right of action shall continue and the offender shall be subject to the penalty as provided in such ordinances, and such prosecution shall proceed, in all respects, as if such ordinance or ordinances had not been repealed; except all such proceedings had after the time this code shall take effect shall be conducted according to the provisions of this Code.

25.07 TITLE: EFFECTIVE DATE. These ordinances shall be known as the "General Code of the County of La Crosse" and shall take effect from and after passage and publication as provided in ss. 66.0103, Wis. Stats.