

# Chapter 1

## General Provisions

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### 1.02 Codification of General Ordinances

- (1) The ordinance contained in the following chapters and sections shall be known and cited as the "Kewaunee County Civil Code" and shall take effect from and after passage and publication as provided in Wis. Stats. § 66.0103.
- (2) Any additions or amendments to this code, when adopted in such form as to indicate the intention of the Board of Supervisors to make the same a part of this code, are incorporated in this code, so that a reference to the Kewaunee County Civil Code includes such additions and amendments.

### 1.02 Definitions

- (1) Statutory Terms. Terms used in this code, unless otherwise specifically defined in this code, have the meaning prescribed by the statutes of the State of Wisconsin for the same terms.
- (2) Code Terms. Terms used in this code have the following meanings:
  - (a) "Code" means the Kewaunee County Civil Code.
  - (b) "County" means Kewaunee County.
  - (c) "County Board" or "Board of Supervisors" means the County Board of Supervisors of Kewaunee County and similarly the title

of any other board, commission or official refers to such board, commission or official of Kewaunee County unless otherwise stated.

- (d) “Court Costs” means the costs, fees and surcharges imposed by a Circuit Court of Wisconsin pursuant to Chapter 814 of the Wisconsin Statutes.
- (e) Mandatory or Permissive actions. The use of “shall” means an action is mandatory. The use of “may” means an action is permissive.
- (f) Ordinances mean the ordinances of Kewaunee County and all amendments thereto, including this code.
- (g) Person means any natural individual, firm, partnership, corporation, company, association, club, joint venture, estate, trust or any group or combination acting as a unit and the individuals constituting such group or unit; and the plural as well as the singular number and the masculine gender includes the feminine and neutral genders, unless the intention to give more limited meaning is disclosed by context. As applied to partnerships, the word person includes the members of the partnership; as applied to corporations it includes the officers, agents or employees responsible for the act referred to.
- (h) State means State of Wisconsin.
- (i) Wisconsin Statutes and its abbreviation as Wis. Stats. means the Wisconsin Statutes, as amended from time to time.

1.03 Continuation of existing ordinances. The provisions appearing in this Code, so far as they are the same as those existing at the time of adoption of this Code, shall be considered as a continuation thereof and not new enactments.

1.04 Code does not affect prior offenses, rights or penalties. 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.

1.05 Jurisdiction. Unless otherwise provided in this code, this code applies to acts performed within the limits of Kewaunee County.

1.06 Parties to a Violation

- (1) Whoever is concerned in the commission of an act prohibited by this code is a principal and may be charged with and convicted of the commission of an act prohibited by this code although the person did not directly commit it and although the person who directly committed it has not been convicted or has been convicted of some other act prohibited by this code.
- (2) A person is concerned in the commission of an act prohibited by this code if the person:
  - (a) Directly commits the act prohibited by this code; or
  - (b) Intentionally aids and abets the commission of it; or
  - (c) Is a party to a conspiracy with another to commit it or advises, hires, counsels or otherwise procures another to commit it.

#### 1.07 Conflict of Provisions

- (1) Chapters. If the provisions of different chapters conflict with each other, the provisions of each individual chapter shall control all issues arising out of the events and persons intended to be governed by that chapter.
- (2) Sections. 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 provisions.
- (3) Statutes. To the extent that the provisions of this code conflict with the Wisconsin Statutes, administrative rules or regulations, or federal statutes, rules or regulations, said statutes, rules or regulations shall control.

1.08 Severability of Provisions. Each section, paragraph, sentence, clause and provision of this code is severable and if any provision is held unconstitutional or invalid for any reason, such decision shall not affect the remainder of this code, nor any part thereof other than that affected by such decision.

1.09 Adoption of State Statutes. Any provision of this Code adopting a State Statute adopts the State Statute as it then exists and any subsequent amendments, revisions and modifications.

#### 1.10 General Penalty

- (1) Violations. Unless another penalty is expressly provided by this Code for any particular provision or section every person convicted of a violation of any provision of this Code, or any rule or regulation adopted or issued in pursuance thereof, or any provision of any code adopted herein by

reference shall be punished by a forfeiture of not less than one dollar (\$1.00) and not more than one thousand five hundred dollars (\$1,500.00) plus costs of prosecution, court costs, and other assessments, or in default of payment, by imprisonment in the Kewaunee County Jail for 1 day for each fifty dollars (\$50.00), or portion thereof, that remains unpaid. Each act of violation and every day of any such violation shall constitute a separate offense.

- (2) Amendments. The penalty provided by this section shall apply to the amendment of any section of this Code or any code adopted herein by reference whether or not such penalty is reenacted in the amendatory ordinance.
- (3) Reference. Reference to any section of these ordinances shall be understood also to refer to and include the penalty section relating thereto, unless otherwise expressly provided.

#### 1.11 Citation Method of Enforcement

- (1) Authority. Kewaunee County hereby elects to use the citation method to enforce any ordinance, including any ordinance for which a statutory counterpart exists, pursuant to Wis. Stats. § 66.0113.
- (2) Contents of citation. The citation shall contain the following:
  - (a) Name and address of the alleged violator.
  - (b) Factual allegations describing the alleged violation.
  - (c) Time and place of the offense.
  - (d) Number and section of the ordinance violated.
  - (e) A designation of the offense in such a manner as can readily be understood by a person making a reasonable effort to do so.
  - (f) Time and date in which the violator may appear in court.
  - (g) A statement which in essence informs the violator of the following:
    1. That unless the law enforcement officer or County official has noted "must appear" on the citation in lieu of a cash deposit, a cash deposit based on the schedule established by this section may be made, which shall be delivered or mailed to the Clerk of Circuit Court 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, an action may be commenced to collect the forfeiture.
5. 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 subsection (7) of this section has been read. Such statement shall be sent or brought with the cash deposit.
6. Such other information as the County deems necessary.

(3) Cash deposits

- (a) A schedule of cash deposits shall be established by resolution for use with citations issued under this section.
- (b) All deposit figures shall be increased by an amount equal to any penalty assessment required to be imposed at the time of the offense.
- (c) Deposits may be made to the Clerk of Circuit Court in any manner expressly authorized by Kewaunee County. The Clerk of Circuit Court shall issue a receipt for all deposits.

(4) Issuance of citations

- (a) Issuance by law enforcement officers. Any law enforcement officer may issue citations authorized under this section.
- (b) Issuance by County officials. Other County officials may issue citations with respect to violations of those ordinances which are directly related to their official responsibilities.

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

(6) No exclusivity

- (a) Adoption of this section does not preclude the Kewaunee County from adopting any other ordinance or providing for the

enforcement of any other law or ordinance relating to the same or another matter.

- (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.