

Title 1

GENERAL PROVISIONS

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Chapter 1.01

COUNTY JURISDICTION AND OFFICIAL DESIGNATIONS

Sections:

1.01.010	County seat designation.
1.01.020	County courthouse.
1.01.050	Official county newspaper.

1.01.010 County seat designation. Pursuant to Wis. Stat. § 59.05 (1), the county seat of the county of Eau Claire, which county was created by Chapter 114, Laws of 1856 and whose boundaries are set forth at Wis. Stat. § 2.01 (18), was and is declared to be established and located in the city of Eau Claire. (Ord. 153-22, Sec. 1, 2009; Ord. 144-44, Sec. 2, 2000; Ord. 141-03 Sec.1, 1997; Ord. 5-79 Sec. 2, 1979).

1.01.020 County courthouse.

A. The official name of the seat of county government is designated as the county courthouse which shall refer to the composite structure located on the block bordered by Oxford Avenue, Grand Avenue, Second Avenue and Lake Street.

B. The official name shall be used on all official county documents, legislation, signs, addresses and letterheads for county offices therein. (Ord. 139-33, 1995; Ord. 80-81/230 Sec. 1, 1981).

1.01.050 Official county newspaper. The Leader-Telegram is designated as the official newspaper of the county. All official county legal notices and publications as required by law or ordinance shall be printed therein. (Ord. 80-81/230 Sec. 2, 1981; Res. 222-74, 1974).

Chapter 1.02

GENERAL PROVISIONS

Sections:

- 1.02.010 Definitions and grammatical interpretation.
- 1.02.030 Prohibited acts include causing, permitting.
- 1.02.040 Construction of legislation.
- 1.02.050 Repeal shall not revive any ordinances.
- 1.02.060 Conflict with law.

1.02.010 Definitions and grammatical interpretation.

A. The following words and phrases utilized in the Code of General Ordinances shall be afforded the definitions in this section, unless a different meaning is specifically afforded the word or phrase by definition in another chapter or from the context of its use:

1. "County" means the county of Eau Claire, Wisconsin, or the area within the limits of Eau Claire County, and such territory outside of Eau Claire County over which the county has jurisdiction or control by virtue of any constitutional or statutory provision.
2. "Board" or "county board" means the county board of supervisors of the county.
 - a. (Reserved)
 - b. "Elected officer" means any of those persons elected pursuant to Wis. Stat. § 59.20 (2).
 - c. "Elected official" means an elected officer or a county supervisor.
 - d. "Employee" means a person, other than an elected official, who provides the county certain defined services in exchange for regular county wages or salary and benefits and who is subject to the control and direction of a supervisor.
3. "Governing body" means the county board, its committees, commissions, councils and subordinate boards.
4. "Law" denotes the Constitution and laws of the United States, the state constitution and statutes, and all administrative rules and regulations which are promulgated thereunder.
5. "Meeting notice" means a notice setting forth a time, date, place and subject matter of meetings of the governmental body.
6. "Meeting" has the meaning in Wis. Stat. § 19.82(2).
7. "Month" means a calendar month.
8. "Must" and "shall" are each mandatory.
9. "Ordinance" means a formal legislative enactment or local law adopted by the county board prescribing general, uniform and permanent rules of conduct or government.
10. "Owner" applied to a building or land includes any part owner, joint owner, tenant in common, joint tenant or tenant by the entirety, of the whole or a part of such building or land.

11. "Person" means natural person, joint venture, joint stock company, partnership, association, club, company, corporation, business, trust, organization, or the manager, lessee, agent, servant, officer or employee of any of them.

12. "Personal property" includes money, goods, chattels, things in action and evidences of debt.

13. "Public official" means an elected official or an appointed official of the county, other than an employee.

14. "Real property" includes lands, tenements and hereditaments.

15. "Resolution" means a formal statement of opinion or determination by the board, generally ministerial in character and dealing with matters of a special or single purpose or temporary character.

16. "Session" means the continuous series of meetings of the county board held during the yearly period commencing with each third Tuesday of April.

17. "Sidewalk" means that portion of a street between the curb line and the adjacent property line intended for the use of pedestrians.

18. "State" means the state of Wisconsin.

19. "Street" includes all streets, avenues, lanes, alleys, courts, places, squares, curbs or other public ways in this county which are dedicated and open to public use, or such other public property so designated by state law.

20. "Tenant" and "occupant," applied to a building or land, includes any person who occupies all or a part of such building or land, whether alone or with others.

21. "Written" includes printed, typewritten, mimeo-graphed or photocopied.

22. "Year" means a calendar year.

B. Title of Office. Use of the title of any officer, employee, board or commission means that officer, employee, department, board or commission of the county.

C. The following grammatical rules shall apply in the construction of county ordinances and resolutions:

1. Gender. The masculine gender includes the feminine and neuter genders.

2. Singular and Plural. The singular number includes the plural and the plural includes the singular.

3. Tenses. Words used in the present tense include the past and the future tenses and vice versa, unless manifestly inapplicable. (144-44, Sec. 2, 2000; Ord.141-03, Sec.1, 1997; Ord. 126-15 Secs. 2(part) and 3(part), 1982; Ord. 126-7 Secs.1 and 2, 1982; Ord. 81-82/443 Secs. 1-12, 1982; Ord. 81-82/406 Secs.1 and 2(part), 1982; Ord. 81-82/183 Sec.1(part), 1981; Ord. 81-82/132 Sec.1(part), 1981; Ord. 80-81/276 Sec.3(part), 1980; Ord. 80-81/69 Sec.2, 1981; Ord. 79-80/232 Sec.1(part), 1979; Ord. 292-76 Sec.1, 1976; Res. 278-73 Secs.1 and 2, 1973).

1.02.030 Prohibited acts include causing, permitting. Whenever in the ordinances or resolutions of Eau Claire County, any act or omission is made unlawful, it shall include causing, allowing, permitting, aiding, abetting, suffering, or concealing the fact of such act or omission. (Ord. 79-80 Sec.1(part), 1979; Res. 278-73 Sec.3, 1973).

1.02.040 Construction of legislation.

A. The provisions of county ordinances and resolutions and all proceedings under them are to be construed with a view to effect their objects and to promote justice.

B. All words and phrases shall be construed and understood 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 the law shall be construed and understood according to such peculiar and appropriate meaning.

C. When an act is required by an ordinance or resolution, the same being such that it may be done as well by an agent as by the principal, such requirement shall be construed as to include all such acts performed by an authorized agent.

D. On questions of common and approved definitions of words not specifically defined in the code of general ordinances, Webster's New International Dictionary shall be the standard. (Ord.142-25 Sec.1, 1998; Ord.81-82/443 Secs.13--16, 1982; Ord.79-80/232 Sec.1(part), 1979; Res.278-73 Sec.4, 1973).

1.02.050 Repeal shall not revive any ordinances. The repeal of an ordinance shall not repeal the repealing clause of such ordinance or revive any ordinance which has been repealed thereby. (Ord. 79-80 Sec.1(part), 1979; Res. 278-73 Sec.5, 1973).

1.02.060 Conflict with law. Should any section, sentence, part, clause or provision of the code of general ordinances or any law or administrative rule therein adopted by reference be declared as unconstitutional or otherwise contrary to law, the constitutionality or validity of the remainder of said section, sentence, part, clause or provision of the code of general ordinances shall not be affected thereby. (Ord. 81-82/443 Sec.17, 1982; Ord. 80-81/276 Sec.19, 1980).

Chapter 1.04

COUNTY ORGANIZATION

Sections:

- 1.04.001 Election to become self-organized county.
- 1.04.010 Terms of office for and election of county supervisors.
- 1.04.030 Method of filling vacancies on the county board.
- 1.04.035 Elections and appointments to the county board following reapportionment.

1.04.001 Election to become self-organized county. For the purpose of improving the ability of the county government to organize its administrative structure and to govern, the county elects to become a self-organized county and to act under the provisions of Wis. Stat. § 59.10(1). (Ord. 144-44, Sec. 3, 2000; Ord.141-03, Sec.1, 1997; Ord. 79-80/232 Sec.2, 1979; Ord. 213A-76 Sec.3, 1976).

1.04.010 Terms of office for and election of county supervisors.

A. Preceding expiration of their respective terms, effective for the 1986 spring election, county supervisors in odd and even-numbered districts shall be elected for two-year terms and shall take office on the third Tuesday of April following their election.

B. No person is eligible to become a candidate for the office of county supervisor who does not meet the residency requirements of Wis. Stat. §§ 59.20(1) and 59.10(3)(d).

C. An incumbent county supervisor is eligible to be a candidate for a supervisory district seat if otherwise qualified under B. If the person is elected and qualified and assumes office prior to the expiration of the term for which he or she was previously elected, the latter seat shall thereupon be deemed vacant. (Ord. 144-44, Sec. 4, 2000; Ord. 128-6 Sec.1(part), 1984; Ord. 81-82/356 Secs.4--6, 1981; Ord. 79-80/232 Sec.4, 1979).

1.04.030 Method of filling vacancies on the county board.

A. Vacancies in the office of county supervisor may be filled by appointment of the county board chair, subject to confirmation by the county board. Prior to such appointment and upon written request by any county supervisor to the county board chair, a public hearing shall be held in the supervisory district in which the vacancy occurs. If no public facility is available, the hearing shall be held in the courthouse. Persons interested in being appointed shall submit a resume in accord with 2.05.002, and shall attend the hearing. A person so appointed and confirmed shall hold office until his or her successor is elected as provided in this chapter.

B. Except as provided in 1.04.035, the county clerk shall call a special election to fill any vacancy in the office of county supervisor for the residue of the unexpired term pursuant to Wis. Stat. § 8.50 and under the following circumstances:

1. If the vacancy occurs not less than 56 days before the September primary, the special election shall be held on the date of the general election, and any required primary shall be held on the date of the September primary except if an earlier election could be held under 2.

2. If the vacancy occurs less than 56 days before the September primary but not less than fifty-six days before the spring primary and in the same year the office is regularly elected, the special election shall be held on the date of the spring election and any required primary shall be held on the date of the spring primary.

3. If the vacancy occurs after the period specified in 2., there shall be no special election called.

C. The county clerk shall specify in the order for any special election under this section that the deadline for filing nomination papers shall be 35 days prior to the date of the September or spring primary involved. (Ord. 144-44, Sec. 5, 2000; Ord. 126-5 Sec.1, 1982; Ord. 81-82/356 Secs.7, 8, 1981; Ord. 79-80/232 Sec.3, 1979; Ord. 213A-76 Sec.3, 1976).

1.04.035 Elections and appointments to the county board following reapportionment.

A. All elections to the county board, including elections for the residue of an unexpired term under 1.04.030 B., shall be from the districts as described in Chapter 1.08 and fully described in the office of county clerk.

B. Incumbent county supervisors shall retain the supervisory district number designation of the district to which elected until the expiration of their respective terms. (Ord. 144-44, Sec. 6, 2000; Ord.142-25 Sec.2, 1998; Ord.128-6 Sec.2(part), 1984; Ord.81-82/356 Sec.9, 1981).

Chapter 1.08

COUNTY SUPERVISORY DISTRICTS*

Sections:

- 1.08.001 Statement of Authority and Intent.
- 1.08.002 Number of Districts.

1.08.001 Statement of Authority and Intent.

A. Pursuant to Wis. Stat. § 59.10(2)(a) and (3)(b), the county board by ordinance duly certified by the county clerk and filed in the clerk's office, hereby adopts the supervisory district reapportionment plan based upon the 2000 decennial federal census.

B. Prior to December 1st annually, the county board by ordinance shall alter the district boundaries to reflect any municipal incorporation, annexation, detachment or consolidation in order to improve election administration, but only if the resulting districts would be equally apportioned as required by law. The official copy of the most recently approved reapportionment plan shall be kept on file in the office of the county clerk. (Ord. 147-75, 2003; Ord. 144-44, Sec. 7, 2000; Ord. 144-24, Sec. 1; 2000; Ord.141-03, Sec.1, 1997).

1.08.002 Number of Districts. There shall be 29 supervisory districts as nearly equal in population as practicable. Each such district shall be entitled to elect one supervisor to the county board in the manner provided in Chapter 1.04. (Ord. 144-44, Sec. 8, 2000; Ord. 144-24, Sec. 2; 2000; Ord. 136-38, 1992; Ord. 127-84, Sec.1, 1984).

* For statutory provisions regarding compositions, election and terms of county board, see WSA 59.10.

Chapter 1.12

RIGHT OF ENTRY

Sections:

1.12.010 Right of entry.

1.12.010 Right of entry. Whenever necessary to make an inspection to enforce any ordinance or resolution, or whenever there is reasonable cause to believe there exists an ordinance or resolution violation in any building or upon any premises within the jurisdiction of the county, any authorized official of the county may, upon presentation of proper credentials, enter such building or premises at all reasonable times to inspect the same or to perform any duty imposed upon him by ordinance; provided, that, except in emergency situations or when consent of the owner and/or occupant to the inspection has been otherwise obtained, he shall give the owner and/or occupant, if they can be located after reasonable effort, 24 hours written notice of the authorized official's intention to inspect. The notice transmitted to the owner and/or occupant shall state that the property owner has the right to refuse entry and that in the event such entry is refused, inspection may be made only upon issuance of a search warrant by a duly authorized magistrate. In the event the owner and/or occupant refuses entry after such request has been made, the official is empowered to seek assistance from any court of competent jurisdiction in obtaining such entry. (Res. 276-73 Sec.1, 1973).

Chapter 1.16

FORFEITURES AND ASSESSMENTS*

Sections:

- 1.16.010 General forfeiture assessment.
- 1.16.020 Nonpayment of fees charged for county services.
- 1.16.030 Nonsufficient checks--Service charge.

1.16.010 General forfeiture assessment.

A. In each case of a violation of an ordinance for which no penalty is provided, the violator shall be subject to a forfeiture of not less than \$50 nor more than \$250 for each offense, except as provided in B.

B. For the second and each subsequent violation of a particular ordinance, the person convicted shall be subject to a forfeiture of not less than \$100 nor more than \$500 for each offense. Ordinance violations prosecuted under Chapter 1.50, the Citation Code, shall not be subject to this provision.

C. No ordinance violation shall be construed as a misdemeanor nor shall imprisonment be imposed as a punishment for violation of any ordinance except that one convicted of violating an ordinance may be imprisoned for a period not to exceed six months as a means of enforcing payment of the forfeiture and costs. Subject to the discretion of the corporation counsel, costs shall be assessed against a convicted violator under Wis. Stat. § 814.04(1)(b), and in the event of his or her failure to pay the forfeiture and costs assessed by the court, the judgment may be enforced by execution under Wis. Stat. ch. 815. (Ord. 144-44, Sec. 9, 2000; Ord. 137-109, Sec.1-2, 1994; Ord. 81-82/41 Sec.2, 1981; Res. 277-73 Sec.1, 1973).

1.16.020 Nonpayment of fees charged for county services. Any person who fails or refuses to pay, when appropriately billed for or requested to pay, a fee charged for the provision of a particular county service, pursuant therefore to a schedule established therefor whether under an ordinance or a rule of the city-county board of health, shall be subject to a forfeiture of \$50 for each such offense. (Ord.142-25 Sec.3, 1998; Ord. 81-82/41 Sec.3(part), 1981).

1.16.030 Nonsufficient checks--Service charge. Pursuant to Wis. Stat. 59.54(24), for each check, draft or order made payable to the county which is not honored for payment for reason of nonsufficient funds in the account upon which it was drawn, the payor, maker or drawer thereof shall be assessed with a \$30 service charge. (Ord. 153-5, Sec. 1, 2009; Ord 149-19, 2005; Ord. 143-49, 1999; Ord. 81-82/41 Sec.3(part), 1981).

* For statutory provisions where a statute requires the penalty under a county ordinance to conform to the penalty provided by statute, such ordinance may impose only a forfeiture and may provide for imprisonment in case of default, see WSA 66.115; for the provisions regarding civil actions to collect forfeitures and penalties, see WSA 66.12.

Chapter 1.22

PUBLICATION AND CODIFICATION OF
ORDINANCES AND PROCEEDINGS

Sections:

- 1.22.010 Purpose.
- 1.22.020 Definitions.
- 1.22.030 Publication of ordinances.
- 1.22.031 Publication of resolutions and budget adjustments.
- 1.22.032 Effective date of ordinances and resolutions.
- 1.22.035 Codification of general ordinances.
- 1.22.040 Publication of proceedings.
- 1.22.041 Proceedings in closed session.
- 1.22.045 Journal of proceedings.
- 1.22.047 Transfer and destruction of obsolete proceedings.
- 1.22.050 Numbering of enrolled acts.
- 1.22.055 Correcting of typographical errors.
- 1.22.058 Certified copies of proceedings and acts by clerk.
- 1.22.059 Legal presumption of validity.
- 1.22.099 Chapter implementation.
- 1.22.100 Sale of county code and annual updates by county clerk.

1.22.010 Purpose. This chapter shall establish a uniform policy for the publication and codification of county ordinances and the publication of the proceedings of the county board. (Ord. 81-82/443 Sec.20, 1982: Ord. 62-78 Sec.1(part), 1978).

1.22.020 Definitions. In construction of the provisions of this chapter, the following definitions shall be utilized:

A. "Engross" means the transcription of an ordinance or resolution in its amended or corrected form prior to final adoption.

B. "Enroll" means the transcription, recording and filing by the county clerk of a certified copy of an ordinance or resolution in its final adopted form. (Ord. 81-82/443 Secs.21--23, 1982: Ord. 62-78 Sec.1(part), 1978).

1.22.030 Publication of ordinances.

A. Each ordinance and resolution shall be properly enrolled and duly attested by the county clerk immediately after adoption by the county board. The chair of the county board shall countersign all enrolled ordinances.

B. Immediately upon adoption by the county board, each enrolled ordinance shall be published in the official newspaper by the county clerk as a class 1 notice under Wis. Stat. ch. 985 or as a notice under Wis. Stat. § 59.14(1m).

C. The county clerk shall not publish under B. any enrolled ordinance which consolidates, revises or otherwise enacts a comprehensive revision of the Code of General Ordinances or any title thereof wherein said ordinance is exempted by Wis. Stat. § 66.035, from publication requirements as interpreted by the Attorney General in 70 Op. Att'y Gen. 124 (1991). The clerk shall request an opinion from the corporation counsel on any ordinance in question, and shall file the opinion with the enrolled ordinance.

D. The full text of ordinances enacted by the county board shall be available in the office of the county clerk. A complete set of ordinances shall be available in the office of the county clerk and on the official Eau Claire County web site. (Ord. 152-10, Sec. 1, 2008; Ord. 144-44, Sec. 10, 2000; Ord.141-99 Sec.1, 1998; Ord. 126-6 Secs.1 and 2, 1982; Ord. 81-82/443 Sec.24, 1982; Ord. 67-78 Sec.1(part), 1978).

1.22.031 Publication of resolutions and budget adjustments.

A. Immediately following adoption the county clerk shall publish a duly attested copy of the following in the official newspaper as a class 1 notice under Wis. Stat. ch. 985, but in no case shall publication be more than 10 days after adoption:

1. Any enrolled resolutions ordered published by the board;
2. A notice of alterations to the county budget adopted by the county board pursuant to Wis. Stat. § 65.90(5)(a);
3. A notice of a transfer from the contingency fund by the county board or the committee on finance and budget pursuant to Wis. Stat. § 65.90 (5)(b).

B. All other resolutions shall be published in the proceedings by title only. (Ord. 144-44, Sec. 11, 2000; Ord.141-99 Sec.2, 1998; Ord. 126-40 Secs.1--3, 1982; Ord. 81-82/443 Sec.24m, 1982).

1.22.032 Effective date of ordinances and resolutions.

A. Except as provided in this section, every county ordinance shall take effect on the day after its publication in the official newspaper unless another date is prescribed therein. However, no ordinance providing any penalty or forfeiture shall take effect until after publication, except in the case of an ordinance adopted during a declared emergency under Chapter 2.36.

B. Every resolution and every ordinance amending the rules of the county board of supervisors shall take effect upon adoption and passage unless another date is prescribed therein.

C. The county clerk shall endorse or type on each enrolled ordinance the publication date thereof, and shall maintain on file in the clerk's office any affidavit of publication by the official newspaper until the journal of proceedings has been bound. (Ord.141-99 Sec.3, 1998; Ord. 81-82/443 Sec.25, 1982).

1.22.035 Codification of general ordinances.

A. Pursuant to the provisions of Wis. Stat. § 66.0103, there is hereby adopted the code of general ordinances of the County of Eau Claire.

B. All general ordinances shall be codified and published in the code of general ordinances except for sections thereof which are clearly ministerial or temporary in character and do not effect changes in the provisions of the code.

C. No ministerial or special purpose ordinances shall be codified or published in the code. (Ord. 152-10, Sec. 2, 2008; Ord. 144-44, Sec. 12, 2000; Ord. 130-09 Sec.1, 1986; Ord. 81-82/443 Secs.18 and 26, 1982; Ord. 5-79 Sec.1, 1979; Ord. 62-76 Sec.1, 1976).

1.22.040 Publication of proceedings.

A. A duly attested copy of the official proceedings of each county board meeting shall be published by the county clerk in the official newspaper as a class 1 notice under Wis. Stat. ch. 985, within 10 days after approval thereof by the county board. Publication shall, in no case, be later than 60 days after the adjournment of such meeting.

B. Ordinances, published as required by Wis. Stat. § 59.14(1) or (1m) and 1.22.030 of this code, will not be republished along with the proceedings. (Ord. 152-010, Sec. 3, 2008; Ord. 144-44, Sec. 13, 2000; Ord.141-99 Sec.4, 1998; Ord.141-03, Sec.1, 1997; Ord. 81-82/443 Sec.27, 1982; Ord. 62-78 Sec.1(part), 1978).

1.22.041 Proceedings in closed session.

A. Whenever the county board convenes in closed session pursuant to Wis. Stat. § 19.85, the clerk shall record the proceedings thereof in a separate, closed session journal in the same manner as the regular proceedings.

B. The closed session journal shall be kept secure in the county clerk's vault, and no persons except members of the county board, the corporation counsel and the clerk shall have access thereto. No copies or notes may be made from said journal except upon the signed order of the chair of the board.

C. Prior to the end of each session year, the corporation counsel shall examine the closed session journal and determine what portions, if any, should be made public. The proceedings made public shall be printed in the journal of proceedings, in accord with 1.22.045 A. 4.

D. Proceedings and resolutions made public may be copied as provided in 1.22.058 A. (Ord. 144-44, Sec. 14, 2000; Ord.141-99 Sec.5, 1998; Ord. 126-6 Sec.3, 1982; Ord. 81-82/443 Sec.27m, 1982).

1.22.045 Journal of proceedings.

A. The county clerk shall prepare printer's copy of the journal of proceedings of the board subsequent to board approval of the official proceedings recorded by the clerk for each meeting, in the following manner:

1. The journal shall include the official proceedings of each meeting which shall consist of:

- a. The substance of the minutes;
- b. The title of each resolution and ordinance considered;
- c. The entire content of each amendment or motion, except that a substitute amendment may be cited by title;
- d. The name of each person making or seconding any motion;
- e. All remarks or reports ordered included in the journal by the board;
- f. All recorded roll calls and votes.

2. In a separate division of the journal, the entire contents of each enrolled resolution and ordinance shall be printed, including its title, file number, enrolled number, date of adoption and, in the case of ordinances, the date of publication. The copy shall omit the signatures of the officers affixed to the enrolled resolution or ordinance.

3. An index of the contents by subject matter, enrolled number, file number and the sections of the code of general ordinances affected by enactments of the board shall also be prepared and appended.

4. In a separate section there shall be printed the proceedings of any closed session recorded and later made public under 1.22.041.

5. The journal shall be prepared on camera-ready printer's copy by session year volume on a letter-sized format following each session. The volume number shall be that of the session year dating from the first session in 1856.

6. The county clerk is authorized to annually execute a contract with the official newspaper for the session year to provide camera-ready copy from published proceedings and ordinances, and to establish publication rates and terms.

B. The county clerk shall cause to be printed in pamphlet form a sufficient number of copies of the journal to meet the requirements outlined below within 60 days after the end of the session year. The distribution of free copies shall be as follows within 30 days after delivery of printed copies:

1. One copy to each member of the county board who requests it and to each department located in a building physically separate from the courthouse;

2. One copy to each municipal clerk in the county;

3. One copy to each public library in the county;

4. One copy to the Chippewa Valley Museum;

5. No more than one copy per department located in the courthouse upon request.

6. The balance for public distribution at \$15 per copy, except as provided in

C.

C. Each pamphlet copy of any journal of proceedings over two session years old shall be sold for \$1 per copy.

D. The county clerk shall annex at the front of one copy a certificate that the clerk has compared the printed and enrolled ordinances, resolutions and reports with the original documents for the session year, that all proceedings and ordinances contained therein were duly published, that it appears to be correctly printed, and that it is a true and correct copy of the official journal of proceedings. The certified copy shall be bound in hard cover, and filed in the office of the county clerk. All other copies of the journal of proceedings shall contain a printed copy of such certificate.

F. The county clerk shall cause to be bound in hard cover for preservation three pamphlet copies of the journal of proceedings for each year, one of which shall be filed in the office of the county clerk, one in the county board chair's office, and one with the Area Research Center or State Historical Society. For pamphlet copies prior to Volume 123, two copies shall be bound in hard cover and filed in the office of the county clerk and in the county board chair's office, unless previously bound.

G. The county clerk may destroy pamphlet copies of any journal of proceedings over six session years old which are not bound in hard cover. (Ord. 144-44, Sec. 15, 2000; Ord. 144-44, Sec. 16, 2000; Ord.142-25 Sec.4; Ord.141-99 Sec.6-10, 1998; Ord.139-17, 1995; Ord.137-45, 1993; Ord. 128-21 Sec.1, 1984; Ord. 126-6 Secs.4 and 5, 1982; Ord. 81-82/443 Secs.28-33, 1982; Ord. 62-78 Sec.1(part), 1978).

1.22.047 Transfer and destruction of obsolete proceedings.

A. Pursuant to Wis. Stat. §§ 59.52(4)(b) and 59.52(4)(c), the county clerk shall offer in writing to the State Historical Society title to all noncurrent original files, enrolled ordinances and resolutions, and reports connected with county board proceedings over six session years old. In the event the title is accepted, the clerk shall transfer title to the records in the clerk's custody. If title is not accepted, the clerk shall destroy such records.

B. The official journal of proceedings shall not be microfilmed nor shall title be transferred as provided in A. (Ord. 144-44, Sec. 17, 2000; Ord.142-25 Sec.5; Ord.141-99 Sec.11, 1998; Ord.141-03, Sec.1, 1997; Ord. 81-82/443 Sec.34, 1982).

1.22.050 Numbering of enrolled acts.

A. At the time each ordinance or resolution is enrolled following adoption, the clerk shall give it an enrolled number. The ordinances of the session shall be numbered consecutively commencing with one, prefixed by the session year number and a hyphen. The resolutions of the session shall be numbered consecutively commencing with one, prefixed by the letter R, the session year number and a hyphen, respectively. Adopted reports shall be given an enrolled number prefixed by the letters RP followed by the file number.

B. All acts shall be referenced by the enrolled number in the code of general ordinances, and all other official publications. The clerk shall prepare and print in the journal of proceedings a table converting legislative file numbers to enrolled numbers and vice versa. (Ord.142-25 Sec.6; Ord.141-99 sec.12, 1998; Ord. 81-82/443 Sec.36, 1982).

1.22.055 Correcting of typographical errors.

A. In all official publications of county ordinances, resolutions or the journal of proceedings, the county clerk shall cause all words and names to be correctly spelled and shall also correct obvious typographical errors in any enrolled ordinance or resolution or the official journal of proceedings. No such corrections shall be deemed an alteration of the enrolled copy.

B. Like corrections shall be made by the official publisher of the code of general ordinances in the printing thereof.

C. On questions of orthography Webster's New International Dictionary shall be taken as the standard. (Ord. 144-44, Sec. 18, 2000; Ord. 81-82/443 Sec.37, 1982).

1.22.058 Certified copies of proceedings and acts by clerk.

A. Prior to the printing of the journal of proceedings, the clerk shall, upon request, prepare certified copies of acts adopted during the session from the enrolled copies and of the proceedings from the official copy published under 1.22.040 A. After printing of the journal, the clerk shall prepare certified copies from the official journal of proceedings or the certified copy thereof as designated in 1.22.045 D.

B. Immediately following each meeting of the board, the clerk shall prepare enrolled copies of each ordinance and resolution adopted and shall furnish a copy of each such act to the corporation counsel and each affected department as a directive from the board.

C. No copies of the proceedings of any closed session under Wis. Stat. § 19.85, may be furnished under this section, except as provided under 1.22.041.

D. The clerk shall provide copies to county departments and all other governmental agencies without charge. Copies for the general public shall be provided at the authorized rate for photocopied materials. (Ord. 144-44, Sec. 19, 2000; Ord.142-25 Sec.7; Ord.141-99 Sec.13, 1998; Ord.126-6 Sec.6, 1982; Ord. 81-82/443 Sec.37m, 1982).

1.22.059 Legal presumption of validity. The certified copies of the journals of proceedings under 1.22.045 A. shall be conclusively accepted for all intents and purposes as being as valid as the official journals. Printed copies of said journals are prima facie evidence of the official proceedings and acts of the county board. (Ord. 144-44, Sec. 20, 2000; Ord.141-99 Sec.14, 1998; Ord. 81-82/443 Sec.35, 1982).

1.22.099 Chapter implementation. The committee on finance and budget shall supervise the publication procedures specified in this chapter and shall adopt such rules and regulations consistent therewith as may be deemed necessary. (Ord.141-99 Sec.15, 1998; Ord. 81-82/443 Sec.37r, 1982; Ord. 62-78 Sec.1(part), 1979).

1.22.100 Sale of county code and annual updates by county clerk. The county clerk shall provide free of charge county code books for county supervisors requesting same, county departments, and towns, villages and cities located in Eau Claire County. The county clerk shall charge \$150 per copy of the county code to any other person plus an annual fee of \$35 to update the county code. The \$35 annual fee shall be billed on or before January 1 of each year payable on or before January 30 of that year. (Ord.142-25 Sec.8; Ord.141-99 Sec.16. 1998; Ord.137-26, 1993).

Chapter 1.50

CITATION CODE

Sections:

- 1.50.005 Authority and statement of purpose.
- 1.50.010 Citation format.
- 1.50.020 Schedule of deposits.
- 1.50.030 Issuance of citations.
- 1.50.040 Procedure.
- 1.50.050 Nonexclusivity.
- 1.50.060 Severability.

1.50.005 Authority and statement of purpose. Pursuant to the grant of authority set forth in Wis. Stat. § 66.0113(1), it is intended that this chapter establish a method of citation enforcement for violations of county ordinances including those ordinances for which a statutory counterpart exists. (Ord. 147-64, Sec. 1, 2003; Ord. 144-44, Sec. 21, 2000; Ord. 79-80/295 (part), 1980).

1.50.010 Citation format.

- A. 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 ordinance section violated;
 5. A designation of the offense in such a 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.
 7. A statement which in essence informs the alleged violator:
 - a. That a cash deposit based on the schedule established by this chapter may be made and delivered or mailed to the clerk of court prior to the time of the scheduled court appearance,
 - b. That if a cash deposit is made, no appearance in court is necessary unless subsequently summoned,
 - c. That if the alleged violator makes a cash deposit and does not appear in court, he or she either will be deemed to have tendered a plea of no contest and submitted to a forfeiture, penalty assessment imposed by § 757.05, a jail assessment imposed by § 302.46 (1), a crime laboratories and drug law enforcement assessment imposed by § 100.261, and any applicable domestic abuse assessment imposed by § 973.055 (1) not to exceed the amount of the deposit or will 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 3. d., or the municipality may commence an action against the alleged violator to collect the forfeiture, the penalty assessment imposed by § 757.05, the jail assessment imposed by § 302.46 (1), the crime laboratories and drug law enforcement assessment imposed by § 165.755, any applicable consumer protection assessment imposed by § 100.261, and any applicable domestic abuse assessment imposed by § 973.005 (1).
 - e. That if the court finds the violation prohibits conduct that is the same or similar to that 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. Stat. § 800.093.
 8. 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 7. and shall send the signed statement with the cash deposit.
 9. Any such other information as may be deemed necessary.
- B. The form of the citation is appended to the ordinance codified in this chapter and is incorporated by reference. (Ord. 147-64, Sec. 2, 2003; Ord. 144-44, Sec. 23, 2000; Ord. 144-44, Sec. 22, 2000; Ord.142-25 Sec.9, 1998; Ord. 79-80/295 Sec.1(part), 1980).

1.50.020 Schedule of deposits.

A. The following schedule of cash deposits required for the various ordinance violations is established for use with citations issued under this chapter consisting of a forfeiture plus applicable costs, penalties and assessments as prescribed by Wisconsin Statutes. If not otherwise specified below a violation of the Eau Claire County Code shall consist of a forfeiture of \$60.00 plus applicable costs, penalties, and assessment.

<u>ORDINANCE</u>	<u>OFFENSE</u>	<u>DEPOSIT</u>
2.52.05	Board of health regulations	\$100.00
4.35.100	Telecommunications facility fees	500.00
8.04.030	Air pollution	200.00
8.04.040	Department of Natural Resources rules adopted	1,000.00
8.04.050	Incinerator licenses	100.00
8.04.060	Health department administrative regulations	100.00
8.12.030	Sanitary regulations	200.00
8.12.040	Water supply regulations	100.00
8.12.050	Refuse accumulation	300.00
8.12.060	Solid waste disposal	200.00
8.12.065	Garbage, trash and recyclable containers	100.00
8.12.070	Hazardous substance-control	2,000.00
8.12.075	Human health hazard	300.00
8.12.080	Groundwater contamination	2,000.00
8.12.110	Private sewage system - sanitary permit	500.00
8.12.120	Public building – sanitary permit	500.00
8.12.130	Privies - construction, maintenance & location	200.00
8.12.150	Septic tanks - location of installation	200.00
8.12.205	Soil absorption systems - location specifications	500.00
8.12.220	Maintenance of septic tanks	200.00
8.12.230	Wastewater disposal facilities - required	500.00
8.12.235	Private on-site treatment systems – restrictions	500.00
8.12.240	Holding tanks	300.00
8.14.090	Tattooing and body piercing-violation--penalties	300.00
8.20.010	Dog, cat and ferret bites – suspicion of rabies	100.00
8.20.030	Other domesticated animals	300.00
8.20.050	Risk to animal health	100.00
8.20.060	Rabies vaccination required	100.00
8.20.090	Animal control - violation--penalties	500.00
9.40.040	License - Assemblies	500.00
9.40.080	Parades - Regulations	100.00

<u>ORDINANCE</u>	<u>OFFENSE</u>	<u>DEPOSIT</u>
9.44.010	Disorderly conduct	145.00
9.44.020	Disorderly conduct with a motor vehicle	85.00
9.46.010	Illegal possession of firearms	100.00
9.46.020	Unsafe use of firearms	50.00
9.46.030	Discharging firearms	75.00
9.47.010	Worthless checks	100.00 plus costs
9.48.010	Retail theft	150.00
9.55.020	Littering	150.00
9.56.010	Sign vandalism/removal	145.00
9.60.040	Prohibitions - Clean indoor air act	25.00
9.80.020	Juvenile drinking	Bond which corresponds to Wis. Stat. § 125.07
9.80.030	Juvenile possession of smoking/ tobacco products	50.00 for ages 10-16; Bond which corresponds to Wis. Stat. § 254.92 for age 17.
9.80.040	Juvenile loitering on school property	50.00
9.80.060	Juvenile shoplifting	50.00
9.80.080	Hours Prohibited in Public	50.00
9.95.010	Truancy	50.00
9.95.020	Contributing to Truancy	100.00
10.04.020	Violations - Vehicle code (Schedule; Sec. 10.04.030)	
10.08.020	Traffic - Youth camp lands	25.00
10.30.020	Obstructing highways with snow	50.00
10.30.030	Piling forest and farm products upon highway rights-of-way	100.00
10.81.020	Metered parking time limitations	5.00
10.81.030	Restricted parking	25.00
Ch. 12.25	Airport parking regulations	5.00 per violation
Ch. 12.26	Airport regulation of vehicular and pedestrian traffic	100.00
12.73.040	Disposal Regulations	50.00
12.73.100 A.	Disposal of Recyclables in landfills or other improper disposal by owners or occupants of one- and two-family residences	200.00
12.73.100 B.	Disposal of Recyclables in landfills by one- and two-family residential service providers	500.00
12.73.100 C.	Failure to separate recyclables from refuse	200.00
12.73.100 E.	Failure to notify tenants	200.00

<u>ORDINANCE</u>	<u>OFFENSE</u>	<u>DEPOSIT</u>
12.73.110 A.	Providing recyclables collection services without being designated as a one- and two-family residential service provider in a given municipality	500.00
12.73.120 A.	Failure to process recyclables properly	200.00
12.73.140 A.	Failure to prepare recyclables for collection properly	200.00
12.73.140 C.	Leaving recyclables more than 24 hours before scheduled collection, or containers for recyclables more than 24 hours after collection.	25.00 for first offense 50.00 for each offense thereafter
12.73.150 A.	Failure to deposit recyclables properly at drop-off locations	200.00
12.73.150 B.	Unlawfully depositing recyclables at drop-off locations	500.00
12.73.150 C.	Unlawfully disposing of refuse at drop-off locations	500.00
12.73.150 D.	Using drop-off locations after hours	200.00
12.73.150 E.	Out of county residents prohibited from using drop-off locations	200.00
12.73.160	Illegal charge to tenant for recycling service	200.00
12.73.200 A.	Disposal of recyclables in landfills or other improper disposal by owners or occupants of non-residential facilities	200.00
12.73.200 B.	Disposal of recyclables in landfills by non-residential service providers	500.00
12.73.200 C.	Failure of a non-residential facility to separate recyclables from refuse or to deliver refuse to a facility where recyclables are separated from the refuse	200.00
12.73.210	Failure to establish a recycling program at a non-residential facility	200.00

<u>ORDINANCE</u>	<u>OFFENSE</u>	<u>DEPOSIT</u>
12.73.230	Failure to comply with requirements for non-residential facilities that use a waste processing facility to recover recyclables from their refuse	200.00
12.73.240	Failure to comply with requirements for non-residential facilities that separate recyclables on site	200.00
12.73.270	Unlawful disposal of recyclables by owners or occupants of non-residential facilities at drop-off recycling stations	500.00
12.73.300 A.	Disposal of Recyclables in Landfills or other improper disposal by Occupants of Multi-family Dwellings	200.00
12.73.300 B.	Disposal of Recyclables in Landfills by Multi-Family Residential Service Providers	500.00
12.73.300 C.	Failure to separate Recyclables from Refuse	200.00
12.73.310	Failure to establish a recycling program for tenants of Multi-Family Dwellings to separate Recyclables from their Refuse to a facility where Recyclables are separated from the Refuse	200.00
12.73.330	Failure to comply with requirements for Multi-Family Dwellings that use a Waste Processing Facility to recover Recyclables from their Refuse	200.00
12.73.340	Failure to comply with requirements for Multi-Family Dwellings that separate Recyclables on-site	200.00
12.73.370	Unlawful disposal of Recyclables by owners or occupants of Multi-Family Dwellings at drop-off recycling stations	500.00
12.73.380 C.	Illegal charge to tenant for recycling service	200.00
12.73.600 A.	Unlawful disposal of Recyclables	500.00
12.73.630	Scavenging of recyclables	200.00
12.74.050	Disposal of material other than brush at Residential Brush Disposal Site	200.00

<u>ORDINANCE</u>	<u>OFFENSE</u>	<u>DEPOSIT</u>
12.74.100 B.	Use of residential brush disposal site during unauthorized hours	200.00
12.74.100 C.	Use of Residential Brush Disposal Site by unauthorized parties	500.00
12.74.200 B.	Failure to use the Residential Brush Disposal site in accord with site regulations	200.00
Chapter 15.01	Building code	
	Uniform dwelling code	300.00
	Structures covered IHLR 50-64	100.00
	All other violations	100.00
16.19.010	Firewood Permit System	75.00
16.30.030	Use restrictions	50.00
16.30.040	Fees and charges	50.00
16.30.080	Soliciting	100.00
16.30.090	Personal conduct	100.00
16.30.100	Property of others	100.00
16.30.120	Destruction/entry	150.00
16.30.130 A.	Cleaning/refuse	50.00
16.30.130 B.	Cleaning/refuse	50.00
16.30.140	Vehicular traffic	50.00
16.30.150 A., C.	Parking violations	25.00
16.30.150 B., D.	Parking violations	20.00
16.30.150 E.	Parking violations	35.00
16.30.160	Fires	100.00
16.30.170	Fireworks	100.00
16.30.180	Firearms	100.00
16.30.190	Pets	25.00
16.30.200	Horses	50.00
16.30.210	Hunting/trapping	100.00
16.30.220	Athletics	25.00
16.30.230 A.	Boundary buoy	50.00
16.30.230 B.	Boundary buoy	50.00
16.30.240	Swimming regulations	25.00
16.30.250	Beach athletics	25.00
16.30.260	Bathing dress	25.00
16.30.300	Camping regulations	50.00
16.30.520 A. 9	Forest use regulations	25.00
16.30.520 A. 1, 4, 10, 14	Forest use regulations	100.00
16.30.520 A. 2, 3, 6	Forest use regulations	75.00

16.30.520 A. 4	Forest use regulations	100.00
16.30.520 A. 5, 7, 8	Forest use regulations	150.00
Title 18	Zoning	
	- Failure to acquire permits	75.00
	- All other violations	100.00
18.50	Airport zoning ordinance	100.00

B. Deposits shall be made in cash, money order or certified check to the clerk of the circuit court who shall provide a receipt therefore. (Ord. 150-44, Sec. 1, 2007; Ord. 147-64, Sec. 3, 2003; Ord. 147-46, Sec. 1, 2003; Ord. 145-32, Sec. 1, 2001; Ord. 144-47, Sec. 2, 2000; Ord. 144-44, Sec. 26, 2000; Ord. 144-44, Sec. 25, 2000; Ord. 143-52, 1999; Ord.143-35 Sec.12, 1999; Ord.142-84 Sec.1, 1999; Ord.142-25 Sec.10, 1998; Ord.141-52 Sec.1; Ord.141-50 Sec.1; Ord.140-115 Secs.1, 1997; Ord.140-61 Secs.2-3; Ord.140-64; Ord.140-60; Ord.140-50 Sec.1; Ord.140-19 Sec.1; Ord.140-09 Sec.5; Ord.139-119, Sec.1; Ord.149-09 Sec.5; Ord.139-117 Sec.1, 1996; Ord.139-75 Sec.3, 1995; Ord.139.28 Sec.1; Ord.139-06 Sec.1, 1995; Ord.138-98 Sec.1, 1995; Ord.138-74 Sec.1; Ord.138-54 Sec. 7, 1994; Ord.138-35 Sec. 1; Ord.138-41 Sec.1; Ord.137-109, Sec. 3, 1994; Ord.137-10 Sec. 1, 1993; Ord.137-12 Sec.1; Ord. 137-11, Sec.1; Ord.136-111 Sec.27, 1993; Ord.136-82, Sec. 2; Ord.136-37 Sec. 1, 1992; Ord.135-72 Sec. 1, 1991; Ord.133-75 Sec.1; Ord.133-05; Ord.132-83 Sec.2; Ord.132-82 Sec.2, 1989; Ord.132-03 Sec.5, 1988; Ord.131-16 Sec.1, 1987; Ord.126-65 Secs.1, 2, 1983; Ord.126-19 Sec.8, 1982; Ord.81-82/345 Sec.12; Ord.80-81/458 Sec.4; Ord.80-81/457 Sec.4; Ord.80-81/431 Sec.3; Ord.80-81/430 Sec.2, 1981; Ord.80-81/264 Sec.2; Ord.80-81/84 Sec.2; Ord.80-81/68 Sec.2; Ord.79-80/295 Sec.1(part), 1980).

1.50.030 Issuance of citations.

A. Any law enforcement officer in the county as defined in 9.46.005 B. may issue citations for enforcement of any ordinance authorized under this chapter.

B. The following officials of Eau Claire County are authorized to issue citations for enforcement of those ordinances specified which are directly related to their official responsibilities. Such officials may delegate this authority to their subordinates in writing and filed with the clerk of circuit court.

ORDINANCE NUMBER AND TITLE

ENFORCEMENT OFFICIAL

Title 8, Health and Safety

Director, city-county
health department, county sheriff
for 8.12.060 only

Chapter 9.40, Assemblies

County sheriff, city-county health
department director, planning &
development department
director

Chapter 9.60, Clean Indoor Air Act

County officials in charge of the
various county buildings

ORDINANCE NUMBER AND TITLE

ENFORCEMENT OFFICIAL

Chapter 9.80, Juvenile offenses

County sheriff, municipal police and superintendent of schools, or their designees.

Chapter 10.04, Vehicles and Traffic

County sheriff and deputy sheriffs

Chapter 10.81
Courthouse Parking Regulations

Courthouse superintendent of buildings and grounds and county sheriff

Title 12, Subtitle 1. Aeronautics

Airport manager and airport security police

Chapter 12.73, Mandatory Separation of Recyclables from Refuse

County sheriff, associate planner, city-county health department director

Chapter 12.74, County Residential Brush Disposal Site Regulations

County sheriff, associate planner, city-county health department director

Chapter 15.01, Building Code

Building inspector, zoning inspector

Title 16 I., Parks and Forest

Director, parks and forest department

Title 18, Zoning

Planning and development department director

(Ord. 154-2, Sec. 1, 2010; Ord. 147-84, Sec. 1, 2003; Ord. 147-64, Sec. 4, 2003; Ord. 144-44, Sec. 28, 2000; Ord. 144-44, Sec. 27, 2000; Ord.142-25 Secs.11-12, 1998; Ord.140-115, Sec.2, 1997; Ord.130-61, Sec.2; Ord.139-124; Ord.139-117, Sec.2, 1996; Ord. 139-05, 1995; Ord. 138-35, Sec.2, 1994; Ord. 136-82, Sec. 2; Ord. 136-60, Sec.1, 1992; Ord. 135-72, Sec.2, 1991; Ord. 131-16 Sec.2, 1987; Ord. 126-65 Sec.3, 1983; Ord. 126-48 Sec.1, 1982; Ord. 126-19 Sec.9, 1982; Ord. 81-82/345 Sec.13, 1981; Ord. 80-81/457 Sec.5, 1981; Ord. 80-81/344 Sec.2(part), 1981; Ord. 80-81/264 Sec.3, 1980; Ord. 80-81/68 Sec.3, 1980; Ord. 79-80/295 Sec.1(part), 1980).

1.50.040 Procedure. The provisions of Wis. Stat. § 66.119(3), relating to violator's options and procedure on default, are adopted and incorporated in this chapter by reference. (Ord. 144-44, Sec. 29, 2000; Ord.79-80/295 Sec.1(part), 1980).

1.50.050 Nonexclusivity. Adoption of the ordinance codified in this chapter in no way precludes the adoption of any other ordinance 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 chapter shall not preclude the proceeding under any other ordinance or law relating to the same or any other matter. (Ord.79-80/295 Sec.1(part), 1980).

1.50.060 Severability. If any provision of this chapter is held to be invalid or unconstitutional, or if the application of this chapter to any person or circumstances is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the provisions or applications of this chapter which can be given effect without the invalid or unconstitutional provision or application. (Ord. 79-80/295 Sec.1(part), 1980).