

CHAPTER 18

PUBLIC HEALTH, SAFETY, WELFARE AND PROTECTION

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## CHAPTER 18

### PUBLIC HEALTH, SAFETY, WELFARE AND PROTECTION

#### **18.100 Animal Waste Management Ordinance**

##### **18.101 Introduction**

##### **18.102 Authority**

This Chapter is adopted under Wis. Stat., 59.02, 59.03, 59.70(20), 92.15 and 92.16 of the Wisconsin Statutes. The title of this ordinance is "Oconto County Animal Waste Management Ordinance." This ordinance will take effect upon passage and publication as provided by law.

##### **18.103 Declaration of Policy**

- (a) The Oconto County Board of Supervisors finds this ordinance is designed to protect and promote our agricultural industry and also to promote and enhance the water quality, aesthetic conditions, and general welfare of the people and communities within Oconto County by regulating new and existing Agriculture Facilities and regulating compliance with the Crop Land Performance Standards.
- (b) The County of Oconto permits properly conducted agricultural operations within the county. Owners of property included within areas zoned for agricultural use or adjacent to such areas should expect that they will be subject to conditions arising from such agricultural operations. Conditions may include, but are not limited to exposure to: noise, lights; fumes; dust; smoke; insects; chemicals; machinery operations, including aircraft during any hour of day or night; storage and land application of manure; and application by spraying or other means chemical pesticides, fertilizers and other soil amendments. The conditions described may occur as a result of any agricultural operation which is in conformance with accepted customs, standards, laws and regulations. Residents in and adjacent to agricultural areas must accept such conditions as a normal and necessary aspect of living in an area with a strong rural character and an active agricultural sector. Oconto County has established the Land Conservation Department to assist in the resolution of any animal waste management disputes, which might arise between residents of the county regarding agricultural operations.

##### **18.104 Intent**

The intent of the ordinance is to protect the groundwater and surface water resources of Oconto County, on new and existing agriculture facilities and crop land by:

- (a) Regulating design, construction, maintenance, and closure of all existing and new manure storage facilities and animal feedlots.
- (b) Permitting of manure storage facilities.
- (c) Regulating failing and leaking manure storage facilities.
- (d) Permitting of new and expanding animal feedlots.
- (e) Regulating nutrient management practices.
- (f) Enforcement of the four manure management prohibitions as outlined in NR 151.08 Wisconsin Adm. Code:
  - (1) A livestock operation shall have no overflow of manure storage facilities.

- (2) A livestock operation shall have no unconfined manure piles in a water quality management area.
  - (3) A livestock operation shall have no direct runoff from a feedlot or stored manure in to the waters of the state.
  - (4) A livestock operation may not allow unlimited access by livestock to water of the state in a location where high concentrations of animals prevent the maintenance of adequate sod or self-sustaining vegetative cover.
- (g) Enforce the Agriculture performance standards as outlined in NR 151.02, NR 151.03, NR 151.05, NR 151.055, NR 151.06 and NR 151.07 Wisconsin Adm. Code for:
- (1) Sheet and rill.
  - (2) Tillage Setback.
  - (3) Manure storage facilities.
  - (4) Process Wastewater.
  - (5) Nutrient Management.
  - (6) Clean Water Diversion.

**18.105 Interpretation**

In its interpretation and application, the provisions of this ordinance shall be held to be minimum requirements and shall be liberally construed in favor of Oconto County, and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes.

**18.106 Severability Clause**

If any section, provision or portion of this ordinance is ruled invalid by a court, the remainder of the ordinance shall not for that reason be rendered ineffective.

**18.107 Definitions**

- (a) Abandonment: A livestock waste storage facility no longer being used for its intended purpose, or located at a facility that has ceased operations or manure has not been added or removed from the facility for a period of 24 months.
- (b) Agriculture Facility: Agriculture facility means a structure associated with an agricultural practice as outlined in NR 281.16 Wisconsin Adm. Code.
- (c) Animal Waste: Livestock excreta and other materials such as bedding, soil, hair, feathers, other organic waste, and rain or other contaminated water.
- (d) Animal Waste Facility Plan: A plan approved by Land Conservation Division in accordance with their Chapter.
- (e) Manure Storage Facility: An impoundment made by constructing an embankment or excavating a pit or dugout or by fabricating a structure to contain manure and other animal or agricultural wastes.
- (f) Animal Unit: Single animal types or combination of animal types, which are fed, confined, maintained or

stabled in an animal feeding operation. For the purpose of this Chapter, one animal unit is equivalent to 1000 pounds of livestock live weight. For numbers on specific species refer to Wisconsin Adm. Code NR 243.05.

- (g) Animal Feedlot: A lot, building or combination of lots and buildings intended for the confined feeding, breeding, raising, or holding of animals specifically designed as a confinement area in which manure may accumulate or where the concentration of animals is such that a vegetative cover cannot be maintained within the enclosure. For purposes of these parts, open lots used for the feeding and rearing of poultry (poultry ranges) shall be considered to be animal feedlots. Pastures shall not be considered animal feedlots under these parts.
- (h) Applicant: Any person who applies for a permit under the ordinance.
- (i) Direct Runoff: As defined in NR 151.015(7) Wis. Adm. Code.
- (j) Existing Facility or Operation: As defined in NR 151.095(5) Wis. Adm. Code.
- (k) Failing & Leaking Facilities: Existing manure storage facility that is leaking or structurally failing. Manure storage facility that poses an imminent threat to public health or fish and aquatic life or are causing a violation of groundwater standards.
- (l) Land Conservation Division, Land & Water Resources Department of Oconto County: The administering authority of this ordinance.
- (m) Land Conservation Sub-committee: An operating committee of the Oconto County Board of Supervisors.
- (n) New Operation or Facility: As defined in NR 151.095(5) Wis. Adm. Code.
- (o) Nutrient Management Plan (590): A plan developed by or for agricultural land operators that outlines the management and crediting of nutrients from all sources, including legumes, manure and soil reserves for the application of manure and commercial fertilizers generally to the limit of nutrient withdrawal by growing crops. Management includes the rate, method and timing of the application of all sources of nutrients to minimize the amount of nutrients entering surface and groundwater. This practice includes manure nutrient testing and routine soil testing. USDA-NRCS Standard 590.
- (p) Over Flowing Manure Storage Facility: Any new or existing manure storage facility that the current volume is more than what the storage is designed to handle.
- (q) Operator: Means a person responsible for the oversight or management of equipment, facilities or livestock at a livestock operation, or is responsible for land management in the production of crops.
- (r) Pasture: Land with uniform cover of grasses or legumes or corn stalk used as grazed forage for livestock that are not violating the feedlot runoff prohibitions and standards.
- (s) Permit: The signed, written statement issued by the Oconto County Land Conservation Division under this ordinance authorizing the applicant to construct, install, reconstruct, enlarge or substantially alter or abandon an animal waste storage facility or animal feedlot.
- (t) Permittee: Any person to whom a permit is issued under this ordinance.
- (u) Person: Any individual, corporation, partnership, joint venture, agency, unincorporated association, Municipal Corporation, county or state agency within Wisconsin, the federal government or any combination thereof.
- (v) Site Susceptible to Groundwater Contamination: As defined in NR 151.015(18) Wis. Adm. Code.

- (w) Substantially Alter: Substantially altered as stated in NR151.015 (20) Wis. Adm. Code.
- (x) Technical Guide: The United States Department of Agriculture (U.S.D.A.) Natural Resources Conservation Service Field Office Technical Guide that is currently in effect and as amended from time to time.
- (y) Unconfined Manure Stacking: A quantity of manure that is at least 175 cu. ft. in volume and which covers the ground surface to a depth of at least 2 inches and is not confined within a manure storage facility, livestock housing facility or barnyard runoff control facility or covered or contained in a manner that prevents storm water access and direct runoff to surface water or leaching of pollutants to groundwater.
- (z) Unlimited Livestock Access: Unlimited access of livestock to waters of the state where high concentrations of animals prevent adequate sod cover maintenance.
- (aa) Waters of the State: Those portions of Lake Michigan and Lake Superior within the boundaries of Wisconsin and all lakes, bays, rivers, streams, springs, ponds, wells, impounding reservoirs, marshes, water courses, drainage systems and other surface water and groundwater, natural or artificial, public or private within the state or its jurisdiction, except those waters which are entirely confined and retained completely upon the property of a person, as defined in Section NR 283.01(20) Wisconsin Stats.
- (bb) Water Quality Management Area: The area within 1,000 ft. from the ordinary high-water mark of navigable waters mark the consists of a lake, pond or flowage, except that, for navigable water that is a glacial pothole lake the term means the area within 1,000 feet from the high-water mark of the lake; the area within 300 feet from the ordinary high-water mark of navigable waters that consist of a river or stream, and a site that is susceptible to groundwater contamination, or that has the potential to be a direct conduit for contamination to reach groundwater.

**18.108 Jurisdiction**

This ordinance shall apply to the entire geographical are of Oconto County.

**18.109 Technical Assistance**

- (a) Land Conservation Division staff shall provide, to the extent available, technical advice to Oconto County landowners and agricultural operators for the planning, designing, and installation of facilities and practices required under this ordinance to protect surface and ground water quality.
- (b) Private consultants and engineers may also be employed by landowners and agricultural operators for technical assistance. All plans developed are subject to approval and permitting by the Land Conservation Division prior to any implementation. All implemented projects must have a construction check and be signed approved as being built according to specifications by a person holding a certified engineering license.

**18.110 Administration**

- (a) Delegation of Authority: Oconto County hereby designates the Oconto County Land Conservation Division to administer and the Oconto County Land Conservation Division and the Oconto County Zoning Division enforcement technician to enforce this ordinance.
- (b) Administrative Duties. In the administration of this ordinance, the County Land Conservation Division shall:
  - (1) Keep an accurate record of all permit applications, manure storage facility plans, animal feedlot plans, manure storage facility closure plans, permits issued, inspections made, and other official actions.
  - (2) Review permit applications and issue permits in accordance with Section 18.110.

- (3) Inspect manure storage facility and animal feedlot construction and manure storage facility closure to insure the facility is being constructed according to plan specifications.
  - (4) Investigate complaints relating to compliance with this ordinance, and refer violations to the Zoning Division enforcement technician for citation and enforcement action.
  - (5) Monitor the adequacy of manure storage systems including compliance with nutrient management plans.
  - (6) Perform other duties as specified in this ordinance.
- (c) Inspection Authority. Employees of the Oconto County Land Conservation Division and enforcement technicians of the Oconto County Zoning Division are authorized to enter upon and lands affect by this ordinance to inspect the land prior to or after permit issuance to determine compliance with this ordinance. If permission cannot be received from the application or permittee, entry by the Oconto County Land Conservation Division shall be according to Sections 66.0119 Wisconsin Statutes.

**18.111 Application for and Issuance of Permits**

- (a) Permit Required.
  - (1) No Manure Storage Facility or parts thereof may be located, installed, moved, reconstructed, extended, enlarged, converted, substantially altered, closed, abandoned or its use changed, without an animal waste management permit as provided in this ordinance, and without compliance with the provisions of this ordinance, and without compliance with Natural Resources Conservation Service Technical Guide tech. Standard 313 as adopted as part of this ordinance.
  - (2) Animal feedlots that exceed the prohibitions of Section 18.104 of this ordinance, or do not meet the standards in Section 18.111 of the Oconto County Code, or receive a notice of discharge under Ch. 283 Wis. Statutes, or which exceed 10 Animal Units, and/or exceed 10,000 square feet in area shall obtain an animal waste management permit as provided in this ordinance.
  - (3) The requirements of this ordinance shall be in addition to any other ordinance regulating animal waste management, within the boundaries of Oconto County.
- (b) Emergency Repairs. Emergency repairs such as repairing broken pipe or equipment, leaking dikes or the removal of stoppages may be performed without an animal waste management permit. Such work will be reported to the Land Conservation Division as soon as possible for a determination as to whether an animal waste management permit will be required for an additional alteration or repair to the facility.
- (c) Fee. The fee for a permit under this ordinance shall be established through the annual budget process.
- (d) Manure Storage Facility/Closure and Animal Feedlot Plan Requirements. Each application for a permit under this section shall include a facility plan. The plan shall include drawings and descriptions showing the facility will meet NRCS 313, 360, 520, 521, 522, 561, 590, 634 and 635 which are the Conservation Practice Standards of the Natural Resources Conservation Service. A printed copy of the most current version of these standards shall be available to interested persons upon request from the Land Conservation Division Office. The plan shall specify:
  - (1) A Plan map showing location of the facility, including buildings, homes, and wells within 300 feet of the proposed site. The sketch shall be drawn to scale, with a scale no smaller than 1 inch = 60 feet.
  - (2) Soil investigation borings to meet NRCS construction standards to include soil description and the location of water table and or bedrock if encountered.

- (3) Ground contours (2-foot maximum intervals), with spot elevations, indicating land slope at and around the site for a minimum distance of 100 feet.
  - (4) Provisions for adequate drainage and control of runoff to prevent pollution of surface and ground water such as exposed bedrock or sinkholes. The location of any navigable body of water within 500 feet of the proposed site must be shown. River and streams in Oconto County shall be presumed to be navigable if they are designated as continuous waterways or intermittent waterways on U.S. Geological Survey (USGS) quadrangle maps.
  - (5) Description of the type(s) of materials the facility is to consist of. Size, dimensions, and cross sections of the facility, and any other specific details including, but not limited to concrete thickness in floors and walls, steel schedules and fencing.
  - (6) A time schedule for construction of the facility.
  - (7) Scale of the plan drawing(s) and north arrow.
  - (8) Description of the bench mark(s)
- (f) Review of Application: (1) The County Land Conservation Division shall receive and review all permit allocations.
- (1) The County Land Conservation Division shall determine if the proposed facility meets the required standards set forth in Section 18.112 of this ordinance. Within 40 calendar days after receiving the completed application, supporting documents and fee, the County Land Conservation Division shall inform the applicant in writing whether the permit application is approved or disapproved. When additional information is required, the County Land Conservation Division has thirty days from the receipt of the additional information in which to approve or disapprove the permit application. Failure by the Land Conservation Division to approve permits within 40 calendar days of the receipt of the initial application or within 30 calendar days of the receipt of additional information, as appropriate, the application shall be deemed approved and the applicant may proceed as if a permit had been issued.
- (g) Permit Conditions. All permits issued under this ordinance shall be issued subject to the following conditions and requirements:
- (1) Design, construction and management shall be carried out in accordance with the manure storage facility plan and applicable standard specified in Section 18.112 of this ordinance.
  - (2) The permittee shall give five (5) working days notice to the County Land Conservation Division before starting any construction activity authorized by the permit.
  - (3) Approval in writing must be obtained from the County Land Conservation Division prior to any modifications to the approved animal waste facility plan.
  - (4) The permittee and, if applicable, the contractor, shall certify in writing by signing the certification sheet that the facility was installed as planned and designed by a person holding the proper engineering approval. A copy of the signed certification sheet shall be mailed to the County Land Conservation Division within 30 calendar days of completion of installation. Once an operation is in compliance with NR 151 Ag. Performance standards and prohibitions the operator will be required to remain in compliance according to NR 151.095(4)(b), Wis. Adm. Code.
  - (5) Activities authorized by permit must be completed within two years from the date of issuance after which such permit shall be void. Extensions of 1 year per issued permit may be granted for an

additional fee.

- (h) Permit Revocation. The County Land Conservation Division may revoke any permit issued under this ordinance if the holder of the permit has misrepresented any material fact in the permit application or manure storage facility plan or if the holder of the permit violates any of the conditions of the permit.

### **18.112 Standards and Specifications**

- (a) Animal Feedlots. The Standards and specifications for design, construction, operation and maintenance of animal feedlots are those identified in the USDA-NRCS Technical Guide. Feedlots requiring a permit under this ordinance shall be designed to meet the criteria in NRCS Standard 635.
- (b) Animal Feedlot Separation Requirements. All new animal feedlots permitted under this ordinance shall be sited a minimum of 100 feet from the property lines of adjacent property owners, 300 feet from any lake or perennial stream (as defined by the USGS quadrangle maps).
- (c) Manure Storage Facilities. The standards and specifications for design, construction, operation, and maintenance of manure storage facilities and closure of manure storage facilities are those identified in Standard 313, 520, 521, 522, 634 and 360 USDA-NRCS Technical Guide. These standards do not apply to facilities in which greater than 10% of the design storage volume or greater than 25,000 gallons is occupied by any combination of domestic waste, industrial wastewater generated offside or sludge.
- (d) Manure Storage Facilities Separation Requirements. All new manure storage facilities shall be sited a minimum of 250 feet from property lines of adjacent property owners, 300 feet from any lake or perennial stream (as defined by USGS quadrangle maps). Reception pits as part of the animal feedlot or buildings with under-floor storage shall be sited a minimum of 100 feet from adjacent properties.
- (e) Animal Waste Management and Utilization. Animal wastes for which storage permits are issued under this chapter of the Code shall be managed and utilized in accordance with Standard 590, USDA-NRCS Technical Guide. A current (590) Nutrient Management Plan must be submitted annually to the Oconto County Land Conservation Division by April 1<sup>st</sup> of each year.

### **18.113 Regulated Activities**

- (a) Cost sharing must be made available in accordance with s. 281.16(3)(e) Stats., chs. ATCP50 and NR151, Wis. Adm. Code to bring existing livestock facilities and cropland practices into compliance with performance standards and prohibitions.
- (b) New livestock facilities are required to achieve compliance with performance standards and prohibitions regardless of the availability of cost sharing.
- (c) If any livestock facility is meeting a livestock performance standard or prohibition on or after the effective date of the standard under ch. NR 151 Wis. Adm. Code, the livestock performance standard or prohibition shall continue to be met by the existing owner or operator, heirs or subsequent owners or operators of the facility regardless of future cost sharing.

### **18.114 Violations**

- (a) Penalties. Any person who violates, neglects, or refuses to comply with or resists the enforcement of any provision of this ordinance shall be subject to a forfeiture. An unlawful violation includes failure to comply with any standard of this ordinance or with any condition or qualification attached to the permit. Each day that a violation exists shall be a separate offense. Failure to obtain proper permit is considered a violation. Oconto County Land Conservation Division shall refer all enforcements to the Oconto County Corporation Counsel and the Zoning Division enforcement technician for commencement of enforcement action.

- (b) Enforcement Actions, Temporary Restraining Order and/or Other Necessary Remedial Actions. As a substitute for or an addition to forfeiture actions, Oconto County may seek enforcement of any part of this ordinance by Court Actions seeking injunctions or restraining orders.

### **18.115 Appeals**

- (a) Determination on Review. In accordance with the provisions of Chapter 68 of the Wisconsin Statutes, and person having a substantial interest which is adversely affected (person aggrieved) by an administrative determination of the County Land Conservation Division of Oconto County (hereinafter, the Department) may have such determination reviewed as provided in this section.
- (b) Determination Reviewable. The following determinations are reviewable under this chapter:
  - (1) The grant or denial in whole or in part after application of an initial permit, license, right, privilege, or authority.
  - (2) The suspension, revocation, or nonrenewal of an existing permit, license, right, privilege, or authority.
- (c) Reducing Determination to Writing. If a determination subject to this section is made orally or, if in writing, does not state the reasons therefore, the Department shall, upon written request of any person aggrieved by such determination made within 10 days of notice of such determination, reduce the determination and the reasons therefor to writing and mail or deliver such determination and reasons to the person making the request. The determination shall be dated, and shall advise such person of the right to have such determination reviewed, the time within such review may be obtained, and the office or person to whom a request for review shall be addressed.
- (d) Request for Review of Determination. Any person aggrieved may have a written or oral determination reviewed by written request mailed or delivered to the Department within 30 days of notice of such determination. The request for review shall state the ground or grounds upon which the person aggrieved contends that the decision should be modified or reversed.
- (e) Review of Determination.
  - (1) INITIAL DETERMINATION. If a request for review is made under Section (D), the initial determination to be reviewed shall be termed an initial determination.
  - (2) WHO SHALL MAKE REVIEW. A review under this section may be made by staff members of the Department who made the initial determination.
  - (3) WHEN TO MAKE REVIEW. The Department staff shall review the initial determination within 15 days of receipt of a request for review. The time of review may be extended by agreement with the person aggrieved.
  - (4) RIGHT TO REPRESENT EVIDENCE AND ARGUMENT. The person aggrieved may file with the request for review or within the time agreed with the Department, written evidence and argument in support of the person's position with respect to the initial determination.
  - (5) DECISION ON REVIEW. The Department may affirm, reverse or modify the initial determination and shall mail or deliver to the person aggrieved a copy of the Department's decision on review, which shall state the reasons for such decision. The decision shall advise the person aggrieved of the right to appeal the decision, the time within which appeal shall be taken and the office or person with whom notice of appeal shall be filed.

- (f) Administrative Appeal – Oconto County Land Conservation Committee
- (1) The person aggrieved may appeal from the decision on review to the Oconto County Land Conservation Committee (hereinafter, Committee).
  - (2) TIME WITHIN WHICH APPEAL MAY BE TAKEN UNDER THIS SECTION. Appeal from a decision on review under Section (e) shall be taken within 30 days of notice of such decision.
  - (3) HOW APPEAL MAY BE TAKEN. An appeal under this section may be taken by filing with or mailing to the Department written notice of appeal.
- (g) Hearing on Administrative appeal.
- (1) TIME OF HEARING. The Committee shall provide the appellant a hearing on appeal under Section (f) within 15 days of receipt of the notice of appeal filed or mailed under Section (f) and shall serve the appellant with notice of such hearing by mail or personal service at least 10 days before such hearing.
  - (2) CONDUCT OF HEARING. At the hearing, the appellant and the Department may be represented by an attorney and may present evidence and call and examine witnesses and cross-examine witnesses of the other party. Such witnesses shall be sworn by the person conducting the hearing. The Committee may issue subpoenas. An appellant's attorney of record may issue a subpoena to compel the attendance of a witness or the production of evidence in substantially the same form as provided in s. 805.07(4) Wis. Stats., and must be served in the manner provided in s. 805.07 (5) Wis. Stats. The attorney shall, at the time of issuance, send a copy of the subpoena to the Committee.
  - (3) RECORD OF HEARING. The Committee shall take notes of the testimony and shall mark and preserve all exhibits. The Committee may, and upon request of the appellant shall, cause the proceedings to be taken by a stenographer or by a recording device, the expense thereof to be paid by the Committee.
- (h) Final Determination.
- (1) Within 20 days of completion of the hearing conducted under Section (g) and the filing of briefs, if any, the Committee shall mail or deliver to the appellant its written determination stating the reasons therefor.
  - (2) A determination following a hearing substantially meeting the requirements of Section (g) shall be a final determination.
- (i) Judicial Review.
- (1) Any party to a proceeding resulting in a final determination may seek review thereof by certiorari within 30 days of receipt of the final determination. The court may affirm or reverse the final determination, or remand to the Committee for further proceedings consistent with the court's decision.
  - (2) If review is sought of a final determination, the record of the proceedings shall be transcribed at the expense of the person seeking review. A transcript shall be supplied to anyone requesting the same at the requester's expense. If the person seeking review establishes impecuniousness to the reviewing court, the court may order the proceedings transcribed at the expense of the municipality and the person seeking review shall be furnished a free copy of the transcript. By stipulation, the court may order a synopsis of the proceedings in lieu of a transcript. The court may otherwise limit the requirement for a transcript.

### 18.116 Dimensional Variances

- (a) Power. The Land Conservation Committee, hereinafter referred to as the "Committee", may grant in specific cases dimensional variances from the terms of the ordinance that will not be contrary to the public interest, where owing to special conditions, a literal enforcement of the provisions of the ordinance will result in unnecessary hardship, and so that the spirit of the ordinance shall be observed and substantial justice done. As used in this section, the term "unnecessary hardship" shall be defined to mean that the terms of the ordinance as applied to the applicant's property will be unduly burdensome and cause the applicant practicable difficulties.
- (b) Application and Fee. A person requesting a variance under the provisions of this section shall submit an application on a form provided by the Committee and at the same time pay the required fee. The fee for requesting a variance shall be \$575.00. Applications shall be filed in the Land Conservation Office.
- (c) Standards. Following notice and public hearing and other investigations, the Committee shall decide the matter based on the standards set forth in paragraph (1) and on the following standards:
- (1) A variance shall be consistent with the spirit and purpose of this ordinance.
  - (2) Shall not be granted unless it is shown that the variance will not be contrary to the public interest and will not be damaging to the rights of other persons.
  - (3) Shall not be granted for actions which require an amendment to this Ordinance.
  - (4) Shall not be granted solely on the basis of economic gain or loss.
  - (5) Shall not be granted for a self-created hardship.
  - (6) Must be due to unique property condition and not to the circumstances of the applicant.
  - (7) No variance may be granted which would have the effect of allowing a use of land or property, which would violate state laws or administrative rules.
- (d) Administration. In considering variance applications under the terms of this ordinance, the Committee shall conduct business as follows:
- (1) The Committee shall comply with all requirements of the Wisconsin Open Meeting Law in the conduct of the business before it. The nature of the Committee's proceedings are quasi-judicial. The Committee may, therefore, deliberate in closed session, after a hearing on the matter, provided legal requirements are complied with.
  - (2) The Committee may conduct site inspections of premises and the surrounding areas which are the subject of matters before the Committee, provided that when the Committee as a unit or individual members interested parties to present arguments and materials shall be received only at hearings before the Committee.
  - (3) The Committee shall conduct a public hearing on all variance matters. The Committee shall cause a Class 2 notice under chapter 985 of the Wisconsin Statutes to be published and shall give the due notice of the hearing to all parties in interest, the town clerk and the town chair. The Committee Chair shall administrate oaths to parties testifying and may compel attendance of witnesses by subpoena.
  - (4) Due notice to parties in interest shall mean that the office of the Land Conservation Division will mail, by ordinary postage pending matter to the applicant, to the clerk of any city or village located within 1.5 miles of the property involved in the application, and to other parties who have been made known

to the office, their specific interest in the matter and their request to receive such notices, and office of the Land Conservation Division shall mail, by ordinary postage, notice of the public hearing to owners of record of properties which adjoin the parcel involved in the application.

- (5) Failure of the office to mail advance notice to parties in interest shall not invalidate or prejudice the proceedings, providing the Committee concludes that the parties who subsequently complain of having been sent or of not receiving notice did, in fact, know of the proceedings and had reasonable opportunity to attend or be represented, or to convey their views prior to the Committee's decision.
  - (6) All testimony before the Committee by persons other than Committee members and written or documentary evidence or material pertaining to matters before the Committee shall be received at the hearings conducted by the Committee, provided, however, that the content of before the Committee in all materials or information so received. Committee members who are in possession of facts which may have a bearing on the matter before the Committee shall enter same into the record of the hearing and opportunity shall be allowed for comments on such entries.
  - (7) If, following the close of hearing, the Committee finds it necessary or desirable to receive additional information, evidence or arguments which may have a bearing upon the Committee's decision, it shall reconvene a public hearing, with notice given in the same manner as for the initial hearing, for the purpose of doing so.
  - (8) The Committee shall deliberate on matters before it. The concurring vote of a majority of the Committee shall be necessary to approve any variances before the Board. The vote of each member on each matter decided by the Committee shall be recorded in the minutes. If a member is absent or if a member fails to vote, such fact shall similarly be recorded. The minutes of the Committee shall show the Board's decisions and the votes of members thereon. Each decision of the Board shall be accompanied by written reasons in support of the decision, which written statement shall be signed or acknowledged by the members and entered into the minutes.
  - (9) All decisions by the Committee shall be made in accord with the standards of this ordinance. The Committee shall decide all matters before it within a reasonable time.
  - (10) The Committee shall cause complete records to be kept of its examinations on matters before it, of public hearings, site inspections, decisions and other official actions, which shall be immediately filed in the Land Conservation Office and shall be a public record.
- (e) Appeals. Any person aggrieved by the decision of the Committee may, commence an appeal in accordance with s. 18.115 of this Chapter.

### **18.200 Large Public Gatherings**

- (a) Intent.
  - (1) It is the intent of the Oconto County Board to regulate the assemblage of large numbers of people, in excess of those normally needing the health, sanitary, fire, police, transportation and utility services regularly provided in Oconto County, in order that the health, safety and welfare of all persons in the County, residents and visitors alike, may be protected.
  - (2) The purpose and intent of this Section is to establish site approval for locations in Oconto County used temporarily for large gatherings, as defined in Subsection (b) below, it being recognized that the character and type of such gatherings vary widely and the facilities required to carry out the general purpose and intent of this Section should be the subject of a Public Gathering Permit issued only after public hearing and a determination by the County Board that there will be compliance with the standards set forth in this Section.

- (b) **Scope.** This Section shall apply to all public and private gatherings, rallies, assemblies or festivals at which attendance is greater than five hundred (500) persons for each day of an event. The requirement for a Public Gathering Permit shall not apply to events held in any regularly established permanent place of worship, stadium, school, athletic field, arena or other similar permanently established structure designed for assemblies which do not exceed by more than two hundred fifty (250) people the maximum seating capacity of the structure where the assembly is held.
- (c) **Definitions.** The following definitions shall be applicable in this Section:
- (1) **Person.** Any individual, partnership, corporation, firm, organization, company, association, society or group.
  - (2) **Assembly.** A company of persons gathered together at any location at any single time for any purpose, and may be considered a large public gathering if it falls within the definition in Subsection (b) above.
  - (3) **Public Gathering.** Shall be as defined in Subsection (b) above.
- (d) **Permit Required.** No person shall permit, maintain, promote, conduct, advertise, act as entrepreneur, undertake, organize, manage or sell or give away tickets to an actual or reasonably anticipated large gathering, whether on public or private property, unless a Public Gathering Permit to hold the assembly has first been issued by the County Board. A permit to hold an assembly issued to one person shall permit any person to engage in any lawful activity in connection with the holding of the license assembly.
- (e) **Application for Permit.**
- (1) **Application.** Applications for a Public Gathering Permit shall be made by the owner or a person having a contractual interest in lands proposed as the site for a public or private gathering, rally, assembly or festival as defined in this Section. The application shall contain a statement made upon oath or affirmation that the statements contained therein are true and correct to the best knowledge of the applicant and shall be signed and sworn to or affirmed by the individual making application in the case of an individual, natural human being, by all officers in the case of a corporation, by all partners in the case of a partnership or by all officers of an unincorporated association, organization, society or group or, if there be no officers, by all members of such association, organization, society or group.
  - (2) **Filing Period.** An application for a Public Gathering Permit shall be filed with the County Clerk not less than forty-five (45) days nor more than three hundred sixty-five (365) before the date on which it is proposed to conduct the event.
- (f) **Required Application Information.** The application for a Public Gathering Permit shall contain and disclose all of the following information:
- (1) The name, residence and mailing address of all persons required to sign the application by Subsection (e)(1) above and in the case of a corporation, a certified copy of the articles of incorporation together with the name, age, residence and mailing address of each person holding ten percent (10%) or more of the stock of such corporations.
  - (2) The name and mailing address of the promoter and/or sponsor of the gathering.
  - (3) The address and legal description of all property upon which the assembly is to be held, together with the name, residence and mailing address of the owner of record of all such property. This description shall be by plat of survey to a scale of one (1) inch equals one hundred (100) feet prepared by a registered land surveyor showing the location, boundaries, dimensions, type,

elevations and size of the following: subject site, existing or proposed wells, buildings, fences, woods, streams, lakes or water courses, as well as the vertical contour interval two (2) feet above the ordinary high water level.

- (4) Proof of ownership of all property upon which the assembly is to be held or a statement made upon oath or affirmation by the record owner of all such property that the applicant has permission to use such property for an assembly of five hundred (500) or more persons.
- (5) The nature or purpose of the assembly.
- (6) The total number of days and hours during which the assembly is to last. The application shall also list the daily hours of operation.
- (7) The maximum number of persons which the applicant shall permit to assemble at any time, not to exceed the maximum number which can reasonably assemble at the location of the assembly, in consideration of the nature of the assembly, or the maximum number of persons allowed to sleep within the boundaries of the location of the assembly by the zoning ordinances of the County if the assembly is to continue overnight.
- (8) The maximum number of tickets to be sold, if any.
- (9) The plans of the applicant to limit the maximum number of people permitted to assemble.
- (10) The plans for fencing the location of the assembly and the gates contained in such fence.
- (11) The plans for supplying potable water including the source, amount available and location of outlets.
- (12) The plans for providing toilet and lavatory facilities including the source, number and location, type and the means of disposing of waste deposited.
- (13) The plans for holding, collection and disposing of solid waste material.
- (14) The plans to provide for medical facilities including the location and construction of a medical structure, the names and addresses and hours of availability of physicians and nurses, and provisions for emergency ambulance services.
- (15) The plans, if any, to illuminate the location of the assembly including the source and amount of power and the location of lamps.
- (16) The plans for parking vehicles including size and location of lots, points of highway access and interior roads including routes between highway access and parking lots.
- (17) The plans for camping facilities, if any, including facilities available and their location.
- (18) The plans for security including the number of guards, their deployment, command arrangements, and their names, addresses, credentials and hours of availability.
- (19) The plans for fire protection including the number, type and location of all protective devices including alarms and extinguishers, and the number of emergency fire personnel available to operate the equipment.
- (20) The plans for sound control and sound amplification, if any, including number, location and power of amplifiers and speakers.

- (21) The plans for food concessions and concessionaires who will be allowed to operate on the grounds including the names and addresses of all concessionaires and their license or permit numbers.
  - (22) The application shall include the bond required in Subsections (g) and the permit fee.
  - (23) The application will authorize the Sheriff to inspect all property listed to monitor criminal activity and maintain peace and order 12 hours prior to the event, during the event, and 12 hours after the event. Sheriff is authorized to provide additional guards if applicant fails to comply with provisions of paragraph j(7) of this ordinance.
- (g) Bond. The County Board shall have authority to require the applicant and site owners to file a cash bond or establish an escrow account in an amount to be determined by the County Board, but not exceeding One Hundred Thousand Dollars (\$100,000.00), conditioned on complete compliance by the applicant and site owner with all provisions of this Section, the terms and conditions of the Public Gathering Permit, including cleaning up the site, and the payment of any damages, administrative and law enforcement costs, fines, forfeitures or penalties imposed by reason of violation thereof. Such bond or escrow account information shall be filed with the County Clerk prior to the issuance of a permit.
  - (h) Charge for Increased Costs. Where the County Board determines that the cost of municipal services incident to the staging of the usage will be significantly increased because of the usage, the County Board may require the permittee to make an additional payment into the general fund of the County in an amount equal to the increased costs.
  - (i) Hearing; Determination. Prior to considering an application for a Public Gathering Permit, the County Board shall conduct a public hearing on the matter. Written notice of such hearing shall be mailed to the applicant and all property owners adjacent to the site of the proposed assembly. The County Board shall, based on evidence presented at the hearing, make a finding of the number of persons expected to attend the event. Such finding shall be final and conclusive on the applicant for the purpose of determining the amount of the permit fee and the applicability of those standards set forth herein which are dependent upon the number of persons attending the event.
  - (j) Standards. A Public Gathering Permit shall not be issued unless it is determined, based on evidence produced at the hearing or submitted with application materials, that the following standards are or will be met; the applicant may be required to file with the County Clerk copies of properly executed contracts establishing the ability to fully provide the services required under this Section;
    - (1) For events scheduled for two (2) successive days or more, at least one (1) acre of land, exclusive of roads, parking lots and required yards shall be provided for each one hundred (100) persons attending.
    - (2) Every site proposed for a Public Gathering Permit shall be on generally well-drained ground and shall not be on ground on which storm or other waters accumulate or on ground which is wet or muddy due to subsoil moisture.
    - (3) Due to the physical characteristics of the site, the County Board may require that the applicant shall provide proof that he will furnish, at his own expense, a minimum of two (2) days before the assembly commences, a snow-fence type fence completely enclosing the proposed location of permissible number from gaining access to the assembly grounds, which shall have at least four (4) gates, at least one (1) at or near four (4) opposite points of the compass.
    - (4) The applicant shall provide proof that he has contracted with local First Responder (EMS) services to provide emergency ambulance and EMT services, at the applicant's expense, for events at which over one thousand (1,000) persons will be in attendance.

- (5) The applicant shall provide proof that he will furnish, at his own expense before the assembly commences if the assembly is to continue during hours of darkness, illumination sufficient to light the entire area of the assembly at the rate of at least five (5) foot candles, but not to shine unreasonably beyond the boundaries of the enclosed location of the assembly.
  - (6) The applicant shall provide proof that he will furnish, before the assembly commences, an adequate parking area inside of the assembly grounds sufficient to provide parking space for the maximum number of people to be assembled at the rate of at least one (1) parking space for every four (4) persons.
  - (7) The applicant shall provide proof that he will furnish, at his own expense before the assembly commences, security guards, either regularly employed, duly sworn, off-duty Wisconsin peace officers or private guards, licensed in Wisconsin, sufficient to provide adequate security for the maximum number of people to be assembled and in a number, and of a type of guard, to be determined by the Sheriff.
  - (8) The applicant shall provide proof that he will furnish, at his own expense before the assembly commences, fire protection, including alarms, extinguishing devices and fire lanes and escapes, sufficient to meet all state and local standards for the location of the assembly as set forth in the Wisconsin Administrative Code and ordinances of the County, and sufficient emergency personnel to efficiently operate the required equipment.
  - (9) The applicant shall provide an adequate source of pure water with sufficient supply outlets for drinking and other purposes to comfortably accommodate the number of persons expected to attend the event at the rate of one (1) gallon per person per day. Where a public water supply is not available, potable water, meeting all federal and state requirements for purity, may be used. Any well or wells supplying any such site shall comply with the Wisconsin Administrative Code.
  - (10) The applicant shall provide separate enclosed toilets for males and females, meeting all state and local specifications, conveniently located throughout the grounds, sufficient to provide facilities for the maximum number of people to be assembled at the rate of at least one (1) toilet every two hundred (200) males together with an efficient, sanitary means of disposing of waste matter deposited, which is in compliance with all state and local laws and regulations; a lavatory with running water under pressure and a continuous supply of soap and paper towels shall be provided with each toilet.
  - (11) The applicant shall provide a sanitary method of disposing of solid waste, in compliance with state and local laws and regulations, sufficient to dispose of the solid waste production of the maximum number of people to be assembled at the rate of at least two and one-half (2.5) pounds of solid waste per person per day, together with a plan for holding and a plan for collection of all such waste at least once each day of the assembly and sufficient trash cans with tight fitting lids and personnel to perform the task.
  - (12) If the assembly is to continue overnight, camping facilities shall be provided in compliance with all state and local requirements as set forth in the Wisconsin Administrative Code and ordinances of the County, sufficient to provide camping accommodations for the maximum number of people to be assembled.
- (k) Reasons for Denial. Applicants may be denied for any of the following non-exclusive reasons:
- (1) It is for a use which would involve a violation of federal or state law or any County ordinance.
  - (2) The granting of the permit would conflict with another permit already granted or for which application is already pending.

- (3) The application does not contain the information or does not properly satisfy the conditions required by this Section.
  - (4) The application is made less than the required days in advance of the proposed assembly.
  - (5) The policing of the assembly will require so large a number of persons and vehicles, including ambulances, as to prevent adequate service of the needs of the rest of the community.
  - (6) The assembly will substantially hinder the movement of police and fire and other emergency vehicles as to create a substantial risk to persons and property.
  - (7) The assembly will reasonably create a substantial risk of injury to persons or damage to property.
  - (8) The assembly use is so poorly organized that participants are likely to engage in aggressive or destructive activity.
- (l) Recommendations of Governmental Agencies. The County Clerk shall submit a copy of the application to the County Sheriff Department and other governmental agencies for their recommendations.
- (m) Permit Revocation. Any law enforcement officer or the County Board may revoke a permit already issued if it is deemed that such action is justified by an actual or potential emergency due to weather, fire, riot, other catastrophe or likelihood of a breach of the peace or by a change in the conditions forming the basis of the standards of issuance. In lieu of revoking a permit, an above-named official may require the permittee to file evidence of good and sufficient sureties, insurance in force or other evidence of adequate financial responsibility, an amount depending upon the likelihood of injury or damage as a direct and proximate result of the holding of the usage sufficient to indemnify the County and such third parties as may be injured or damaged thereby, caused by the permittee, its agents or participants.
- (n) Fees. The following fees shall be applicable under this Section:
- (1) Gatherings of Five Hundred (500) to Two Thousand Five Hundred (2,500).  
One Hundred Dollars (\$100.00).
  - (2) Gatherings of Two Thousand Five Hundred (2,500) to Five Thousand (5,000).  
Two Hundred Fifty Dollars (\$250.00).
  - (3) Gatherings of Over Five Thousand (5,000).  
Five Hundred Dollars (\$500.00).
- (o) Enforcement.
- (1) The provisions of this ordinance may be enforced by injunction in any court of competent jurisdiction.
  - (2) The holding of an assembly in violation of any provision or condition contained in this ordinance shall be deemed a public nuisance and may be abated as such.
  - (2) Any person who violates any provision of this ordinance or who violates any condition upon which he is granted a license may be fined not less than \$1000.00 nor more than \$10,000.00. Each day of violation shall be considered a separate offense.

**18.300 Ordinance Enforcement by Citation**

- (a) Authority.

- (1) Pursuant to the authority of Section 66.0113, Wisconsin Statutes, Oconto County hereby elects to use the citation method of enforcement of ordinances identified in subsection (c).
  - (2) The adoption herein of the citation method of enforcement shall not preclude the county or officers authorized to issue citations under this section from proceeding under any other enforcement ordinance, regulation, statute, law, rule or order that pertains to the subject matter addressed by the citation or to any other matter. Proceedings under any other ordinance, statute, law, rule or regulation pertaining to that or any other matter shall not preclude the issuance of citation.
  - (3) Unless otherwise specified in the adopting ordinance, all ordinances subsequent to this section shall be enforced by the citation method, provided that the County Board shall, in conjunction with enacting any such ordinance, establish a cash deposit for the violation unless the Board shall decide to enforce the ordinance other than by the citation method. The deposit set for each new ordinance shall be incorporated by reference to the schedule contained herein. The provision of paragraph (2) shall apply to all new ordinances.
- (b) **Effect of Citation.** The citation shall have the legal effect specified in Section 66.0113, Wisconsin Statutes, and a duly issued citation shall confer subject matter jurisdiction upon the Circuit Court for the County of Oconto.
- (c) **Persons Authorized to Issue Citations.**
- (1) Any law enforcement officer employed by Oconto County may issue citations for enforcement set forth by this code.
  - (2) The County Forest and Park Administrator, Forestry Foreman, and Zoning Enforcement Technician may issue citations for enforcement of Chapters 9 and 10 of this code. The Oconto County Surveyor may issue citations for enforcement of Chapter 9.800 only.
  - (3) The County Zoning Administrator, Assistant Zoning Administrators and Enforcement Technician may issue citations for enforcement of Chapters 12, 13, 14, 15 and 16 of this ordinance.
  - (4) The Oconto County Zoning Enforcement Technician may issue citations for violations of the Animal Waste Management Ordinance, Sec. 18.100 through and including Sec. 18.114, Oconto County Code of Ordinances.
  - (5) The Oconto County Public Assistance Fraud Investigator may issue citations for violations of Sec. 18.600, Oconto County Code.
  - (6) The Oconto County Highway Commissioner may issue citations for violations of Chapter 8 of the Oconto County Code.
- (d) **Schedule of Deposits.**
- (1) The attached schedule of cash deposits required for the various ordinance violations is hereby established for use with citations issued under this section; in addition, the penalty assessment imposed by Section 165.87, Wisconsin Statutes, and the court costs shall also be collected in the same manner as the cash deposit and shall be in addition to the cash deposit.

<b>CHAPTER/ SECTION</b>	<b>OFFENSE</b>	<b>DEPOSIT</b>	<b>26% PENALTY SURCHARGE</b>	<b>JS/CLDS-JISS/CSSS-CC</b>	<b>TOTAL</b>
Sec. 5.102	Employee Parking	\$10.00	\$2.60	\$137.50	\$150.10

Sec. 5.112	Ban on Photographic/Electronic Imaging	\$300.00	\$78.00	\$137.50	\$515.50
Sec. 8.101	Driveway Access	\$300.00	\$78.00	\$137.50	\$515.50
Sec. 9.700(a)	Timber Theft	\$100.00	\$26.00	\$137.50	\$263.50
Sec. 9.700(b)	Commercial Cutting	\$100.00	\$26.00	\$137.50	\$263.50
Sec. 9.700(c)	Proposed Timber Sales	\$100.00	\$26.00	\$137.50	\$263.50
Sec. 9.700(d)	Contract Specifications	\$100.00	\$26.00	\$137.50	\$263.50
Sec. 9.700(e)	Payment	\$25.00	\$6.50	\$137.50	\$169.00
Sec. 9.700(f)	Cultural Cutting	\$25.00	\$6.50	\$137.50	\$169.00
Sec. 9.700(g)	Salvage Cutting	\$25.00	\$6.50	\$137.50	\$169.00
Sec. 9.700(h)	Firewood - County Property	\$50.00	\$13.00	\$137.50	\$200.50
Sec. 9.700(i)	Regulation	\$50.00	\$13.00	\$137.50	\$200.50
Sec. 9.700(j)	Road Construction	\$50.00	\$13.00	\$137.50	\$200.50
Sec. 9.700(k)	Closing Roads	\$50.00	\$13.00	\$137.50	\$200.50
Sec. 9.700(l)	Hunting Scaffolds, Ground Blinds & Cutting Lanes	\$50.00	\$13.00	\$137.50	\$200.50
Sec. 9.700(m)	Damage	\$50.00	\$13.00	\$137.50	\$200.50
Sec. 9.700(n)	Butler Rock Lookout	\$50.00	\$13.00	\$137.50	\$200.50
Sec. 9.700(o)	Ranch Lake	\$50.00	\$13.00	\$137.50	\$200.50
Sec. 9.700(p)	Abandoned Vehicles & Personal Property	\$50.00	\$13.00	\$137.50	\$200.50
Sec. 9.700(q)	Vehicular Access	\$50.00	\$13.00	\$137.50	\$200.50
Sec. 9.700(r)	Signs	\$50.00	\$13.00	\$137.50	\$200.50
Sec. 9.700(s)	Concessions	\$50.00	\$13.00	\$137.50	\$200.50
Sec. 9.700(t)	Camping	\$50.00	\$13.00	\$137.50	\$200.50
Sec. 9.700(u)	Fire	\$50.00	\$13.00	\$137.50	\$200.50
Sec. 9.700(v)	Horses	\$50.00	\$13.00	\$137.50	\$200.50
Sec. 9.700(w)	Fees for Trail Rides	\$50.00	\$13.00	\$137.50	\$200.50
Sec. 9.700(x)	Trail Rides	\$50.00	\$13.00	\$137.50	\$200.50
Sec. 9.700(y)	Trash/Liter	\$50.00	\$13.00	\$137.50	\$200.50
Sec. 9.700(z)	County Property	\$50.00	\$13.00	\$137.50	\$200.50
Sec. 9.700(aa)	Prospecting	\$500.00	\$130.00	\$137.50	\$767.50
Sec. 9.700(bb)	Indian Mounds	\$50.00	\$13.00	\$137.50	\$200.50
Sec. 9.700(cc)	Firearms	\$50.00	\$13.00	\$137.50	\$200.50
Sec. 9.700(dd)	Oconto County-Machickanee				

	Forest Shooting Range:				
	First Offense	\$50.00	\$13.00	\$137.50	\$200.50
	Second Offense	\$100.00	\$26.00	\$137.50	\$263.50
	Third Offense	\$200.00	\$52.00	\$137.50	\$389.50
Sec. 9.800	Survey Regulations	\$25.00	\$6.50	\$137.50	\$169.00
Sec. 9.900	Adoption of State Statutes Relating to ATV's	ACCORDING TO THE UNIFORM STATE DEPOSIT SCHEDULE FOR ATV VIOLATIONS			
Sec. 9.900(e)	Restricted Use of All-Terrain Vehicles	\$300.00	\$78.00	\$137.50	\$515.50
Sec. 9.900(f)	Sign Vandalism	\$150.00	\$39.00	\$137.50	\$326.50
Sec. 9.900(g)	Restricted Use of All –Terrain Vehicle Trails	\$300.00	\$78.00	\$137.50	\$515.50
Sec. 9.900(h)	Obstruction of Trail	\$300.00	\$78.00	\$137.50	\$515.50
Sec. 9.900(i)	Environmental Protection	\$300.00	\$78.00	\$137.50	\$515.50
Sec. 9.900(j)(1)(2) & 515.50	Rate of Speed/Speed Limit	\$300.00	\$78.00	\$137.50	\$515.50
Sec. 10.300(a)	Permitted Use of Vehicles	\$50.00	\$13.00	\$137.50	\$200.50
Sec. 10.300(b)	Restricted Use of Vehicles	\$50.00	\$13.00	\$137.50	\$200.50
Sec. 10.500	Camping	\$25.00	\$6.50	\$137.50	\$169.00
Sec. 10.500(a)	Camping Permits	\$25.00	\$6.50	\$137.50	\$169.00
Sec. 10.500(b)	Maximum of 4 Adults or One Family	\$25.00	\$6.50	\$137.50	\$169.00
Sec. 10.500(c)	Defined Limits	\$25.00	\$6.50	\$137.50	\$169.00
Sec.10.500(d)	Moving	\$25.00	\$6.50	\$137.50	\$169.00
Sec. 10.500(e)	Expiration	\$25.00	\$6.50	\$137.50	\$169.00
Sec. 10.500(f)	Extensions	\$25.00	\$6.50	\$137.50	\$169.00
Sec. 10.500(g)	Time Period	\$25.00	\$6.50	\$137.50	\$169.00
Sec. 10.500(h)	Set Up/Take Down Hours	\$25.00	\$6.50	\$137.50	\$169.00
Sec. 10.500(i)	Parking Requirements	\$25.00	\$6.50	\$137.50	\$169.00
Sec. 10.500(j)	Revocation of Camping Permit	\$25.00	\$6.50	\$137.50	\$169.00
Sec. 10.500(k)	Campsite Occupancy	\$25.00	\$6.50	\$137.50	\$169.00
Sec. 10.500(l)	Picnic Table/Electrical Outlet	\$25.00	\$6.50	\$137.50	\$169.00
Sec. 10.600	Reservations	\$25.00	\$6.50	\$137.50	\$169.00
Sec. 10.700	Shelters/Organized Group Uses	\$25.00	\$6.50	\$137.50	\$169.00
Sec. 10.700(a)	Special Use	\$25.00	\$6.50	\$137.50	\$169.00
Sec. 10.800	Park General Restrictions	\$50.00	\$13.00	\$137.50	\$200.50
Sec. 10.800(a)	Metal Detectors	\$50.00	\$13.00	\$137.50	\$200.50

Sec. 10.800(b)	Refuse	\$50.00	\$13.00	\$137.50	\$200.50
Sec. 10.800(c)	Pets	\$50.00	\$13.00	\$137.50	\$200.50
Sec. 10.800(d)	Fires	\$50.00	\$13.00	\$137.50	\$200.50
Sec. 10.800(e)	Peddling and Soliciting	\$50.00	\$13.00	\$137.50	\$200.50
Sec. 10.800(f)	Water Rides	\$50.00	\$13.00	\$137.50	\$200.50
Sec. 10.800(g)	Boats in Swimming Areas	\$50.00	\$13.00	\$137.50	\$200.50
Sec. 10.800(h)	Horses	\$50.00	\$13.00	\$137.50	\$200.50
Sec. 10.800(i)	Parking	\$50.00	\$13.00	\$137.50	\$200.50
Sec. 10.800(j)	Vehicular Access	\$50.00	\$13.00	\$137.50	\$200.50
Sec. 10.800(k)	Abandoned Vehicles	\$50.00	\$13.00	\$137.50	\$200.50
Sec. 10.800(l)	Firearms	\$50.00	\$13.00	\$137.50	\$200.50
Sec. 10.800(m)	Wildlife	\$50.00	\$13.00	\$137.50	\$200.50
Sec. 10.800(n)	Fees and Charges	\$50.00	\$13.00	\$137.50	\$200.50
Sec. 10.800(o)	Closed Areas	\$50.00	\$13.00	\$137.50	\$200.50
Sec. 10.800(p)	Beaches	\$50.00	\$13.00	\$137.50	\$200.50
Sec. 10.800(q)	Fireworks, Rockets, Explosive Devises	\$50.00	\$13.00	\$137.50	\$200.50
Sec. 10.800(r)	Noise	\$50.00	\$13.00	\$137.50	\$200.50
Sec. 10.800(s)	Curfews	\$50.00	\$13.00	\$137.50	\$200.50
Sec. 10.800(t)	Designation of Curfew Areas	\$50.00	\$13.00	\$137.50	\$200.50
Sec. 10.800(u)	Swimming in Launch Areas	\$50.00	\$13.00	\$137.50	\$200.50
Sec. 10.800(v)	North Bay Shore Harbor and Break Water	\$50.00	\$13.00	\$137.50	\$200.50
Sec. 10.900(a)	Boat Launch Fees	\$25.00	\$6.50	\$137.50	\$169.00
Sec. 10.900(b)	Display of Receipt	\$25.00	\$6.50	\$137.50	\$169.00
Sec. 10.900(c)	Failure to Pay	\$25.00	\$6.50	\$137.50	\$169.00
Sec. 10.900(d)	Late Fee	\$25.00	\$6.50	\$137.50	\$169.00
Sec. 10.900(e)	Penalty	\$25.00	\$6.50	\$137.50	\$169.00
Sec. 10.900(f)	Unattended Watercraft	\$50.00	\$13.00	\$137.50	\$200.50
Sec. 10.900(g)	No Wake	\$50.00	\$13.00	\$137.50	\$200.50
Sec. 10.1000	Recreation Trail	\$50.00	\$13.00	\$137.50	\$200.50
Sec. 10.1001	Scope	\$50.00	\$13.00	\$137.50	\$200.50
Sec. 10.1000(e)	Trespass	\$50.00	\$13.00	\$137.50	\$200.50
Sec. 10.1000(f)	Camping/Picnicking/Rest Stop	\$50.00	\$13.00	\$137.50	\$200.50

Sec. 10.1000(g)	Hunting	\$50.00	\$13.00	\$137.50	\$200.50
Chapter 12	Sanitary Ordinance	\$300.00	\$78.00	\$137.50	\$515.50
Chapter 13	Land Division Ordinance	\$300.00	\$78.00	\$137.50	\$515.50
Chapter 14	Zoning Ordinance	\$300.00	\$78.00	\$137.50	\$515.50
Chapter 15	Solid Waste Ordinance	\$300.00	\$78.00	\$137.50	\$515.50
Chapter 16	Recycling Ordinance (Except for 16.118)	\$100.00	\$26.00	\$137.50	\$263.50
Sec. 16.118	Recycling Violations:				
	First Offense	\$50.00	\$13.00	\$137.50	\$200.50
	Second Offense	\$200.00	\$52.00	\$137.50	\$389.50
Chapter 17	Traffic Ordinance	ACCORDING TO THE UNIFORM STATE TRAFFIC DEPOSIT SCHEDULE			
Sec. 18.100	Animal Waste Management Ordinance	\$300.00	\$78.00	\$137.50	\$515.50
Sec. 18.200	Large Public Gatherings	\$1000.00	\$260.00	\$137.50	\$1397.50
Sec. 18.500	Clean Air/Smoking Prohibited Ordinance	\$100.00	\$26.00	\$137.50	\$263.50
Sec. 18.600	Fraud	\$300.00	\$78.00	\$137.50	\$515.50
Sec. 19.050 (1)	Adoption of Certain State Statutes by Reference	ACCORDING TO THE FOLLOWING DEPOSIT SCHEDULE FOR CERTAIN STATE STATUTES ADOPTED BY REFERENCE			
167.10	Fireworks Regulated	\$200.00	\$52.00	\$137.50	\$389.50
167.31.1	Safe Use and Transportation of Firearms and Bows	\$200.00	\$52.00	\$137.50	\$389.50
254.45	Radiation Protection (Created 12/22/2016)	\$100.00	\$26.00	\$137.50	\$263.50
254.59	Maintain Human Health Hazard (Created 12/22/2016)	\$300.00	\$78.00	\$137.50	\$515.50
287.81	Littering	\$200.00	\$52.00	\$137.50	\$389.50
940.19(1)	Battery	\$200.00	\$52.00	\$137.50	\$389.50
940.34	Duty to Aid Victim or Report Crime	\$200.00	\$52.00	\$137.50	\$389.50
940.42	Intimidation of Witnesses	\$200.00	\$52.00	\$137.50	\$389.50
940.44	Intimidation of Victims	\$200.00	\$52.00	\$137.50	\$389.50
941.10	Negligent handling of burning Material	\$200.00	\$52.00	\$137.50	\$389.50
941.13	False Alarms	\$200.00	\$52.00	\$137.50	\$389.50
941.20	Endangering Safety by Use of Dangerous Weapon	\$200.00	\$52.00	\$137.50	\$389.50
941.24	Possession of Switch Blade Knife	\$200.00	\$52.00	\$137.50	\$389.50
941.295	Possession of Electric Weapon	\$200.00	\$52.00	\$137.50	\$389.50

941.2965	Restrictions on Use of Facsimile Firearms	\$200.00	\$52.00	\$137.50	\$389.50
941.299	Restrictions on the Use of Laser Pointers	\$200.00	\$52.00	\$137.50	\$389.50
941.31	Possession of Explosives	\$200.00	\$52.00	\$137.50	\$389.50
941.32	Administering Dangerous or Stupefying Drug	\$200.00	\$52.00	\$137.50	\$389.50
941.325	Placing Foreign Objects in Edibles	\$200.00	\$52.00	\$137.50	\$389.50
943.01(1)	Criminal Damage to Property	\$200.00	\$52.00	\$137.50	\$389.50
943.11	Entry into Locked Vehicle	\$200.00	\$52.00	\$137.50	\$389.50
943.12	Possession of Burglarious Tools	\$200.00	\$52.00	\$137.50	\$389.50
943.13	Trespass to Land	\$200.00	\$52.00	\$137.50	\$389.50
943.14	Criminal Trespass to Dwellings	\$200.00	\$52.00	\$137.50	\$389.50
943.15	Entry onto a Construction Site or into a Locked Building	\$200.00	\$52.00	\$137.50	\$389.50
943.20	Theft	\$200.00	\$52.00	\$137.50	\$389.50
943.201	Misappropriation of Personal Identifying Information or Personal Identification Documents	\$200.00	\$52.00	\$137.50	\$389.50
943.21	Fraud on Hotel or Restaurant Keeper or Taxicab Operator	\$200.00	\$52.00	\$137.50	\$389.50
943.215	Absconding without Paying Rent	\$200.00	\$52.00	\$137.50	\$389.50
943.34	Receiving Stolen Property	\$200.00	\$52.00	\$137.50	\$389.50
943.37	Alteration of Property Identification Marks	\$200.00	\$52.00	\$137.50	\$389.50
943.38	Forgery	\$200.00	\$52.00	\$137.50	\$389.50
943.41	Financial Transaction Card Crimes	\$200.00	\$52.00	\$137.50	\$389.50
943.45	Theft of Telecommunications Service	\$200.00	\$52.00	\$137.50	\$389.50
943.455	Theft of Commercial Mobile Service	\$200.00	\$52.00	\$137.50	\$389.50
943.46	Theft of Cable Television Service	\$200.00	\$52.00	\$137.50	\$389.50
943.47	Theft of Satellite Cable Programming	\$200.00	\$52.00	\$137.50	\$389.50
943.50	Retail Theft	\$200.00	\$52.00	\$137.50	\$389.50
943.70	Computer Crimes	\$200.00	\$52.00	\$137.50	\$389.50
944.20	Lewd and Lascivious Behavior	\$200.00	\$52.00	\$137.50	\$389.50
944.30	Prostitution	\$200.00	\$52.00	\$137.50	\$389.50

944.31	Patronizing Prostitutes	\$200.00	\$52.00	\$137.50	\$389.50
944.32	Soliciting Prostitutes	\$200.00	\$52.00	\$137.50	\$389.50
944.33	Pandering	\$200.00	\$52.00	\$137.50	\$389.50
944.34	Keeping Place of Prostitution	\$200.00	\$52.00	\$137.50	\$389.50
945.02	Gambling	\$200.00	\$52.00	\$137.50	\$389.50
945.03	Commercial Gambling	\$200.00	\$52.00	\$137.50	\$389.50
945.04	Permitting Premises to be used for Commercial Gambling	\$200.00	\$52.00	\$137.50	\$389.50
946.31	Perjury	\$200.00	\$52.00	\$137.50	\$389.50
943.32	False Swearing	\$200.00	\$52.00	\$137.50	\$389.50
946.40	Refusing to Aid Officer	\$200.00	\$52.00	\$137.50	\$389.50
946.41	Resisting or Obstructing Officer	\$200.00	\$52.00	\$137.50	\$389.50
946.65	Obstructing Justice	\$200.00	\$52.00	\$137.50	\$389.50
946.66	False Complaints of Police Misconduct	\$200.00	\$52.00	\$137.50	\$389.50
946.70	Impersonating Peace Officers	\$200.00	\$52.00	\$137.50	\$389.50
946.72	Tampering with Public Records and Notices	\$200.00	\$52.00	\$137.50	\$389.50
947.01	Disorderly Conduct	\$200.00	\$52.00	\$137.50	\$389.50
947.012	Unlawful Use of Telephone	\$200.00	\$52.00	\$137.50	\$389.50
947.125	Unlawful Use of Computerized Communication Systems	\$200.00	\$52.00	\$137.50	\$389.50
947.013	Harassment	\$200.00	\$52.00	\$137.50	\$389.50
947.06	Unlawful Assemblies	\$200.00	\$52.00	\$137.50	\$389.50
948.61	Dangerous Weapons on School Premises	\$200.00	\$52.00	\$137.50	\$389.50
951.02	Mistreating Animals	\$200.00	\$52.00	\$137.50	\$389.50
951.03	Dog napping and Cat napping	\$200.00	\$52.00	\$137.50	\$389.50
951.04	Leading Animal from Motor Vehicle	\$200.00	\$52.00	\$137.50	\$389.50
951.05	Transportation of Animals	\$200.00	\$52.00	\$137.50	\$389.50
951.07	Use of Certain Devices Prohibited	\$200.00	\$52.00	\$137.50	\$389.50
951.08	Instigating Fights Between Animals	\$200.00	\$52.00	\$137.50	\$389.50
951.09	Shooting at Caged or Staked Animals	\$200.00	\$52.00	\$137.50	\$389.50
951.95	Harassment of Police and Fire Animals	\$200.00	\$52.00	\$137.50	\$389.50
951.10	Sale of Baby Rabbits, Chicks, and Other Fowl	\$200.00	\$52.00	\$137.50	\$389.50

951.11	Artificially Colored Animals/Sale	\$200.00	\$52.00	\$137.50	\$389.50
951.12	Providing Proper Food and Drink to Confined Animals	\$200.00	\$52.00	\$137.50	\$389.50
951.14	Providing Proper Shelter	\$200.00	\$52.00	\$137.50	\$389.50
951.15	Abandoning Animals	\$200.00	\$52.00	\$137.50	\$389.50
961.41(3g)(e)	Prohibited Acts – Possession	\$200.00	\$52.00	\$137.50	\$389.50
961.43	Prohibited Acts – Penalties	\$200.00	\$52.00	\$137.50	\$389.50
961.573	Possession of Drug Paraphernalia	\$200.00	\$52.00	\$137.50	\$389.50
Sec. 19.101	Adoption of State Statutes Relating to Alcohol	ACCORDING TO THE UNIFORM STATE ALCOHOL, BEVERAGE, HARASSMENT, SAFETY, TOBACCO, AND DRUG PARAPHERNALIA VIOLATIONS DEPOSIT SCHEDULE AND UNIFORM MISDEMEANOR BAIL SCHEDULE AS FOLLOWS:			
125.07(4)(a) Wis. Stats.	Underage Persons (Under 17 Years) Procure or Attempt to Procure:				
	First Offense	\$250.00	\$65.00	\$137.50	\$452.50
	Second Offense	\$300.00	\$78.00	\$137.50	\$515.50
	Third Offense	\$500.00	\$130.00	\$137.50	\$767.50
125.07(4)(a) Wis. Stats.	Underage Persons: (17 – 20 Years) Procure or Attempt to Procure:				
	First Offense	\$250.00	\$65.00	\$137.50	\$452.50
	Second Offense	\$300.00	\$78.00	\$137.50	\$515.50
	Third Offense	\$500.00	\$130.00	\$137.50	\$767.50
	Fourth Offense	\$750.00	\$195.00	\$137.50	\$1082.50
125.07(4)(b) Wis. Stats.	Underage Persons (Under 17 Years) Possession or Consumption:				
	First Offense	\$30.00	\$7.80	\$137.50	\$175.30
	Second Offense	\$60.00	\$15.00	\$137.50	\$198.60
	Third Offense	\$100.00	\$26.00	\$137.50	\$263.50
125.07(4)(b) Wis. Stats.	Underage Persons (17 – 20 Years) Possession or Consumption:				
	First Offense	\$100.00	\$26.00	\$137.50	\$263.50
	Second Offense	\$200.00	\$52.00	\$137.50	\$389.50
	Third Offense	\$300.00	\$78.00	\$137.50	\$515.50
	Fourth Offense	\$500.00	\$130.00	\$137.50	\$767.50
125.083(3)(b) Wis. Stats.	Identification Card Violation (Under 17 Years):				
	First Offense	\$200.00	\$52.00	\$137.50	\$389.50
	Second Offense	\$300.00	\$78.00	\$137.50	\$515.50
	Third Offense	\$500.00	\$130.00	\$137.50	\$767.50
125.083(3)(b) Wis. Stats.	Identification Card Violation (17-20 Years):				
	First Offense	\$100.00	\$26.00	\$137.50	\$263.50
125.09(2) Wis. Stats.	Possession of Alcohol Beverages on School Grounds (Under 17 Years):				
	First Offense	\$30.00	\$7.80	\$137.50	\$175.30
	Second Offense	\$100.00	\$26.00	\$137.50	\$263.50

125.09(2) Wis. Stats.	Possession of Alcohol Beverages on School Grounds (17-20 Years):				
	First Offense	\$100.00	\$26.00	\$137.50	\$263.50
	Second Offense	\$200.00	\$52.00	\$137.50	\$389.50
	Third Offense	\$300.00	\$78.00	\$137.50	\$515.50
	Fourth Offense	\$500.00	\$130.00	\$137.50	\$767.50
125.09(2) Wis. Stats.	Possession of Alcohol Beverages on School Grounds (21 Years and Older)	\$100.00	\$26.00	\$137.50	\$263.50
Sec. 19.100(b)	Sale to Underage or Intoxicated Persons Restricted	\$250.00	\$65.00	\$137.50	\$452.50
Sec. 19.100(c)	Underage Persons' Presence in Place of Sale; Penalty	\$50.00	\$13.00	\$137.50	\$200.50
Sec. 19.100(d)	Underage Persons; Prohibitions; Penalties – Procure or Attempt To Procure:				
	First Offense	\$250.00	\$65.00	\$137.50	\$452.50
	Second Offense	\$350.00	\$78.00	\$137.50	\$515.50
	Third Offense	\$500.00	\$130.00	\$137.50	\$767.50
Sec. 19.100(d)(1)(a)	Underage Persons (Under 17 Years) Prohibitions; Penalties – Possession or Consumption:				
	First Offense	\$30.00	\$7.80	\$137.50	\$175.30
	Second Offense	\$60.00	\$15.00	\$137.50	\$198.60
	Third Offense	\$100.00	\$26.00	\$137.50	\$263.50
Sec. 19.100(d)(1)(b)	Underage Persons (17-20 Years) Prohibitions; Penalties – Possession or Consumption:				
	First Offense	\$100.00	\$26.00	\$137.50	\$263.50
	Second Offense	\$200.00	\$52.00	\$137.50	\$389.50
	Third Offense	\$300.00	\$78.00	\$137.50	\$515.50
	Fourth Offense	\$500.00	\$130.00	\$137.50	\$767.50
Sec. 19.100(e)	Identification Card Violations:				
	First Offense	\$200.00	\$52.00	\$137.50	\$389.50
	Second Offense	\$300.00	\$78.00	\$137.50	\$515.50
	Third Offense	\$500.00	\$130.00	\$137.50	\$767.50
Sec. 19.100(f)	Possession of Alcohol Beverages On School Grounds (Under 17 Years):				
	First Offense	\$30.00	\$7.80	\$137.50	\$175.30
	Second Offense	\$60.00	\$15.00	\$137.50	\$198.60
	Third Offense	\$100.00	\$26.00	\$137.50	\$263.50
Sec. 19.100(g)	Possession of Alcohol Beverages On School Grounds (17-20 Years):				
	First Offense	\$100.00	\$26.00	\$137.50	\$263.50
	Second Offense	\$200.00	\$52.00	\$137.50	\$389.50
	Third Offense	\$300.00	\$78.00	\$137.50	\$515.50
	Fourth Offense	\$500.00	\$130.00	\$137.50	\$767.50
Sec. 19.100	Adult Permitting or Encouraging Underage Violation	\$100.00	\$26.00	\$137.50	\$263.50
Sec. 19.200(a)	Barking Dog				
	First Offense	\$25.00	\$6.50	\$137.50	\$169.00
	Second Offense	\$200.00	\$52.00	\$137.50	\$389.50
	Third Offense	\$500.00	\$130.00	\$137.50	\$767.50

Sec. 19.300(d)(1), (2), (5), (6) and (7)	Issuance of Worthless Checks (Check Amount):				
	\$0 - \$20	\$10.00	\$2.60	\$137.50	\$150.10
	\$20 - \$50	\$30.00	\$7.80	\$137.50	\$175.30
	\$50 - \$100	\$50.00	\$13.00	\$137.50	\$200.50
	\$100 - \$200	\$75.00	\$19.50	\$137.50	\$232.00
	\$200 - \$500	\$100.00	\$26.00	\$137.50	\$263.50
	\$500 and up	\$200.00	\$52.00	\$137.50	\$389.50
Sec. 19.350	Resisting or Obstructing	\$200.00	\$52.00	\$137.50	\$389.50
Sec. 19.400	Disorderly Conduct	\$200.00	\$52.00	\$137.50	\$389.50
Sec. 19.500	Controlled Substance	\$200.00	\$52.00	\$137.50	\$389.50
Sec. 19.550	Theft	\$200.00	\$52.00	\$137.50	\$389.50
Sec. 19.650	Weapons Ord.	\$300.00	\$78.00	\$137.50	\$515.50
Sec. 19.700	Vehicular and Pedestrian Traffic at Airport	\$100.00	\$26.00	\$137.50	\$263.50
Sec. 19.800	False Alarm:				
	Fourth Offense	\$50.00	\$13.00	\$137.50	\$200.50
	Fifth Offense	\$100.00	\$26.00	\$137.50	\$263.50
Sec. 19.900	Unlawful Use of Telephone:				
	First Offense	\$100.00	\$26.00	\$137.50	\$263.50
	Second Offense of Subsequent	\$200.00	\$52.00	\$137.50	\$389.50
Sec. 19.1000	Possession of Paraphernalia	\$200.00	\$52.00	\$137.50	\$389.50
Sec. 19.1100	Police Animal Harassment	\$300.00	\$78.00	\$137.50	\$515.50
Sec. 19.1200(1)	Animals Running at Large:				
	First Offense	\$50.00	\$13.00	\$137.50	\$200.50
	Second Offense	\$100.00	\$26.00	\$137.50	\$263.50
Sec. 19.1200(2)	Untagged Dog:				
	First Offense	\$25.00	\$6.50	\$137.50	\$169.00
	Second Offense	\$50.00	\$13.00	\$137.50	\$200.50
Sec. 19.1300(d)(3), (b), (e), (f), and (g)	Restrictions on Selling Tobacco Products:				
	First Offense	\$100.00	\$26.00	\$137.50	\$263.50
	Second Offense	\$200.00	\$52.00	\$137.50	\$389.50
	Third Offense	\$300.00	\$78.00	\$137.50	\$515.50
	Fourth Offense	\$400.00	\$104.00	\$137.50	\$641.50
	Fifth Offense	\$500.00	\$130.00	\$137.50	\$767.50
Sec. 19.1300(d)(3), and (4)	Restrictions on Selling Tobacco Products – Vending Machines	\$25.00	\$6.50	\$137.50	\$169.00
Sec. 19.1300(f)(2)	Minor Falsely Representing Age to Purchase Tobacco	\$50.00	\$13.00	\$137.50	\$200.50
Sec. 19.1400	Littering:				
	First Offense	\$50.00	\$13.00	\$137.50	\$200.50
	Second Offense	\$100.00	\$26.00	\$137.50	\$263.50
Chapter 22	Snowmobile	ACCORDING TO THE UNIFORM STATE DEPOSIT SCHEDULE FOR SNOWMOBILE VIOLATIONS			
Sec. 25.101	Adoption of State Statutes				

For violation of any ordinance requiring a forfeiture, not set forth herein, the deposit shall be one half (1/2) of the maximum forfeiture for said violation.

- (2) A person issued a citation under any ordinance listed in the schedule shall be required to remit the amount provided for therein, in cash or by certified check or money order, to the Clerk of Courts at the Courthouse, Oconto, Wisconsin 54153. The Clerk shall provide a receipt for each cash deposit so received. Cash deposits may be mailed to the Clerk of Court or delivered personally to the office of the Clerk of Court.
- (e) Procedure. The provisions of Section 66.0113(3), Wisconsin Statutes relating to violator's options and procedures on default are hereby adopted and incorporated herein by reference.
- (f) Nonexclusivity. Adoption of this section 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 section in no way precludes the proceeding under any other law or ordinance relating to the same or any other matter.
- (g) Severability. If any provision of this section is invalid or unconstitutional, or if any application of this section to any person or circumstances is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the provisions or applications of this section which can be given effect without the invalid or unconstitutional provision or application.
- (h) Form of Citation. The form of the citation to be used for purposes of this section of the ordinances shall be the Oconto County Municipal Citation, which is a three part form which is the size of a standard moving traffic violation ticket. This citation shall provide the information required by Sec. 66.0113(1)(b), Wisconsin Statutes.

#### **18.400 State Environmental Health Laws Adopted**

- (a) Except as otherwise specifically provided in this code, the statutory provisions in Chapter 254 of the Wisconsin Statutes, describing and defining regulations with respect to environmental health risks, to the extent enforced by the Oconto County Health Department, are hereby adopted and by reference made a part of this code as if fully set forth herein, exclusive of any penalty involving imprisonment. Any act required to be performed or prohibited by any regulation incorporated herein by reference is required or prohibited by this code. Any future amendments, revisions or modifications of the statutory regulations in Chapter 254 incorporated herein are intended to be made part of this code in order to secure to the extent legally practicable uniform statewide regulation of environmental health hazards. All County revenue collected pursuant to §18.400 shall be paid to Department of Health in an account to be established for the purpose of human health hazard program reimbursement.
- (b) (1) Pursuant to §254.593, Wisconsin Statutes, the Oconto County Health Department may declare any dwelling to be a human health hazard which is unfit for human habitation, if found to have the following defects:
  - (A) The dwelling is dilapidated, unsafe or unsanitary; or
  - (B) The dwelling, because of this condition, has been implicated to be a source of lead for which a confirmed case of lead poisoning has occurred.
- (2) If a dwelling is determined to be unfit for human habitation, the Health Department may issue orders and take such actions as are necessary, including but not limited to, requiring that all inhabitants vacate the dwelling and shall post a placard on the dwelling, declaring the dwelling

unfit for human habitation. The dwelling shall be vacated within the time ordered by the Health Department.

- (3) No person shall continue to occupy, rent or lease the dwelling for human habitation which has been declared unfit for human habitation.
- (4) No person shall remove or deface a placard from a dwelling which has been declared unfit for human habitation without written authorization from the Health Department.
- (5) Before any dwelling determined unfit for human habitation may be inhabited, the placard must be removed by the Health Department.
- (6) Penalties for violation of this subsection shall be as set forth in subsection (a), above.

### **18.500 Clean Air/Smoking Prohibited Ordinance**

- (a) Purpose, Authority and Intent. This ordinance is intended to protect the health and comfort of the public through the regulation of smoking according to the authority granted this County under Sec. 101.123(4m), Wis. Stats.
- (b) Adoption by Reference. Sec. 101.123, Wis. Stats., Smoking Prohibited, or as hereafter amended, is adopted by reference and incorporated as though fully set forth herein and amended as set forth below:
  - (1) “Electronic Delivery Device” shall mean any product containing or delivering nicotine or any other substance intended for human consumption that may be used by a person to simulate smoking through inhalation of vapor or aerosol from the product. “Electronic Delivery Device” shall include any such device, whether manufactured, distributed, marketed, or sold as an e-cigarette, e-cigar, e-pipe, e-hookah, or vape pen, or under any other product name or descriptor.
  - (2) Smoking” shall mean inhaling, exhaling, burning or carrying any lighted or heated cigar, cigarette, pipe, or any other lighted or heated tobacco or plant product intended for inhalation, including hookahs and marijuana, whether natural or synthetic, in any manner or in any form. “Smoking” shall also include the use of an electronic delivery device which creates an aerosol or vapor, in any manner or in any form, for the use of any oral smoking device for the purpose of circumventing the prohibition of smoking in this article.
- (c) Regulation of Smoking in Enclosed Places. No person may smoke at any time in any of the following enclosed places:
  - (1) Any of those places set forth in Sec. 101.123 (2) (a), Wis. Stats.
  - (2) Any Oconto County owned or leased building or vehicle including, but not limited to, the following:
    - (A) Oconto County Courthouse.
    - (B) Oconto County Highway Department Buildings.
    - (C) Oconto County Sheriff Department and Jail.
    - (D) New View Industries.
    - (E) Beyer Home Museum.
    - (F) All County owned or leased vehicles.

- (G) Material Recover Facility.
  - (H) New Beginnings.
  - (I) Forestry Shop.
- (3) All enclosed places of Oconto County employment not set forth in Sec. (3) (b).
- (4) Regulation of Outside Smoking. Except as provided in Sec. (6), no person may smoke at any time at any of the following outdoor locations:
- (A) Any location set forth at Sec. 101.123(2) (d), Wis. Stats.
  - (B) Within six (6) feet of any Oconto County owned or leased building, including, but not limited to, any building located on the following grounds:
    - (i) Oconto County Courthouse grounds.
    - (ii) Oconto County Highway Department Building grounds.
    - (iii) New View grounds.
    - (iv) Material Recover Facility grounds.
    - (v) Forestry Shop grounds.
    - (vi) Beyer Home Museum grounds.
- (5) Regulation of Smoking in Certain Facilities. No person may smoke in any of the following: Any location set forth at Sec. 101.123(2)(e), Wis. Stats., including, but not limited to, a sports arena, a bus shelter, a public conveyance.
- (6) Exceptions. The prohibition against smoking in Sec. 4 does not apply to the following:  
Persons smoking at Oconto County Parks.
- (7) Penalty and Enforcement. Any person who violates this ordinance shall be subject to a forfeiture of not less than \$100.00 nor more than \$250.00 for each violation together with the costs of prosecution. Upon failing to pay this forfeiture the person shall be imprisoned in the Oconto County Jail for not more than 30 days. Enforcement of this ordinance may be by any means allowed by law, including by citation in accordance with Sec. 66.0113, Wis. Stats., and Sec. 18.300, Oconto County Code.
- (8) Employee and Officer Violations. In addition to, or in lieu of enforcement of this ordinance by forfeiture, violations of this ordinance by County employees and officers may be punished by appropriate discipline by the supervisor of the employee or officer.

**18.600 ORDINANCE PROHIBITING FRAUD IN PUBLIC ASSISTANCE, HOUSING ACCOMMODATIONS, ENERGY ASSISTANCE CASES, AND WI SHARES**

- (a) No person shall willfully make any false representation with the intent to (a) secure public assistance for himself or herself or for some other person, (b) dwelling accommodations under s. 66.402, Wis. Stats., as amended from time to time, (c) energy assistance or (d) WI Shares under Chapter 49, Wis. Stats. as amended from time to time.

- (b) No person shall willfully do any act designed to interfere with the proper administration of the public assistance program, dwelling accommodation program, energy assistance program, or WI Shares program.
- (c) No dependent person may sell or exchange supplies or articles furnished that dependent person as assistance with the intent to defraud Oconto County. Nor may that dependent person dispose of such supplies or articles in any other way than as directed, with the intent to defraud Oconto County. No person may purchase any article knowing it to have been furnished to another person as public assistance.
- (d) No person may without legal authority send or bring, cause to be sent or brought, or advise, any dependent person to go to or come to Oconto County Department of Human Services for the purpose of making that dependent person a charge upon the county.
- (e) No person in charge of the public assistance program nor any of that person's assistants may receive or solicit any commission nor derive nor seek to obtain any financial gain through any purchase, sale, disbursement, or contract for supplies or other property used in the administration of public assistance programs.
- (f) Any person who is originally eligible for assistance and thereafter receives any income or assets or both must notify the Officer or Agency granting such assistance of the receipt of those assets within ten (10) days after the receipt of those assets if that person continues to receive aid. Failure to so notify is a violation of this ordinance.
- (g) No dependent person may use money, checks, share drafts, other drafts, vouchers or any other thing of value furnished to that dependent person as public assistance for purposes other than those purposes as directed by the County when furnishing such assistance.
- (h) Any person who obtains for himself or herself, or for any other person or dependents or both, assistance (including energy assistance or WI Shares) under Chapter 49 or dwelling accommodations under Chapter 66, of the Wisconsin Statutes on the basis of facts stated to the county authority charged with the responsibility of furnishing such assistance must notify the county authorities furnishing assistance within ten (10) days of any change in those facts originally stated by the person. If that person continues to receive assistance and/or dwelling accommodations based on the originally stated facts, failure to so notify with ten (10) days is a violation of this subsection. The negotiation of a check, share draft or other draft received in payment of such assistance and/or dwelling accommodations by the recipient or the withdrawal of any funds credited to the recipients account through the use of any other money transfer technique after any change in such facts which would render the person ineligible for such assistance and/or dwelling accommodations had the change in facts been properly reported, shall be prima facie evidence of fraud in any such case and a violation of this subsection.
- (i) Any person who makes any statement in a written application for aid under Chapter 49 or Chapter 66 of the Wisconsin Statutes, or for energy assistance shall be considered to have made an admission as to the existence, correctness and validity of any facts stated which shall be taken as prima facie evidence against the party making it in any complaint, information or indictment, and in any action or proceeding brought for enforcement of any provision of this ordinance.
- (j) Definitions:
  - (1) Public Assistance as used in this ordinance shall encompass all forms of assistance granted or issued pursuant to Chapter 49 of the Wisconsin Statutes, including, but not limited to, Badger Care Plus, Interim Assistance, Food Share, WI Shares (Child Care), all aid under the "W-2" program and Low Income Energy Assistance Program.
  - (2) "Housing Accommodations" as used in this ordinance includes all assistance obtained through the Housing Assistance Program.

- (3) The term "person" used in this ordinance includes all partnerships, associations, and body's politic or corporate, as well as an individual.
- (4) Miscellaneous. If any provision of this ordinance is declared by the courts to be invalid or unconstitutional, the invalidity or unconstitutionality shall not affect the other provisions of this ordinance which can be given effect without the invalid or unconstitutional provision or application.
- (k) Penalties. Any person who violates any provision of this ordinance shall upon conviction, be subject to a forfeiture not to exceed \$1,000 together with costs of prosecution and penalty assessments; and in default of payment of such forfeiture and cost, and if there is no finding of indigence, any person shall be subject to imprisonment in the county jail until such forfeiture and costs are paid not to exceed thirty (30) days.
- (l) Any future amendments, revisions, or modifications to Chapter 49 and 66 of the Wisconsin Statutes are hereby incorporated herein and are intended to be made a part of this ordinance the same as such amendments, revisions, or modifications are made to the corresponding state statutes.