

**WAUPACA COUNTY BOARD OF SUPERVISORS  
ADJOURNED ANNUAL SESSION  
FEBRUARY 17, 2004**

County Board Chair Brown called the meeting to order at 9:00 a.m. with 22 members present.

Present: Suprs. Aasen, Allen, Brown, Craig, Fabricius, Flease, Flink, Gabert, Hurlbut, Johnson, Jonely, Koeppen, Kussmann, Lawrence, Loughrin, Mares, Peterson, Sasse, Sorensen, Steenbock, Trudell, Whitman. Suprs. Barrington, Hillskotter, Kietzmann, Penney and Rasmussen were excused.

County Board Chair Brown made the opening statement that this meeting and all other meetings of this board are open to the public. Proper notice has been posted and given to the press, in accordance with Wisconsin Statutes so the citizenry may be aware of the time, place and agenda of this meeting.

Pledge of Allegiance was said by all followed by a moment of silence.

Supr. Flink moved and Supr. Hurlbut seconded the motion to approve the agenda. Motion carried 22-0.

Supr. Whitman moved and Supr. Kussmann seconded the motion to approve the minutes of the January 20, 2004 meeting. Motion carried 22-0.

**UNITED STATES REPRESENTATIVE MARK GREEN**

David Asman introduced U.S. Representative Mark Green who addressed the board.

**USDA FARM SERVICES AGENCY EXECUTIVE DIRECTOR  
JARED REUTER**

Bruce Bushweiler, Land & Water Conservation, introduced Jared Reuter, USDA Farm Services Agency Executive Director. Jared Reuter explained the services of the FSA.

**COMPREHENSIVE PLANNING UPDATE**

Mike Koles and Dave Thiel updated the board on the current comprehensive planning activities.

**WISCONSIN ADVANTAGE BILL SUPPORT  
Dave Thiel**

Dave Thiel asked for support for the "Wisconsin Advantage Bill." Dave Thiel will write a letter of support on behalf of the County Board of Supervisors for Chairman Brown to sign. The matter will be referred to the Legislative & Judicial Committee for input.

**REVOLVING LOAN FUND – WOOD MODEL SHOP**  
**Dave Thiel**

The Wood Model Shop received revolving loan funds through Waupaca County and has since gone out of business and is unable to repay the loan amount. Supr. Loughrin moved and Supr. Flink seconded the motion to recommend the release of the county lien on the Wood Model Shop's assets. Motion carried 22-0. Passed this 17<sup>th</sup> day February, 2004.

**COMMITTEE REPORTS**

Supr. Craig reported on the WCA Legislative Exchange in Madison.

**REPEAL AND RECREATE**  
**WAUPACA COUNTY CODE OF ORDINANCES**  
**CHAPTER 14 – RECORDS RETENTION**

**14.01 PURPOSE**

The purpose of this chapter is to establish a county retention schedule and authorize destruction of county records pursuant to the schedule on an annual basis. Records custodians may destroy a record prior to the time set forth in the schedule if such record has been photographically reproduced as an original record pursuant to Sec. 16.61(7), Wis. Stats. Unless the Public Records and Forms Board fixes a shorter period, any record not covered by this chapter or any other regulation or law shall be retained 7 years.

**14.02 HISTORICAL RECORDS**

The Wisconsin Historical Society of Wisconsin (WHS) has waived the required statutory 60-day notice under Sec. 19.21(5)(d), Wis. Stats. for any record marked "W" (waived notice). WHS must be notified prior to destruction of a record marked "N" (non-waived). Notice is also required for any record not listed in this Chapter. "N/A" indicates not applicable and applies to any county record designated for permanent retention.

**14.03 DEFINITIONS**

- A. "Legal custodian" means the individual responsible for maintaining records pursuant to Sec. 19.33, Wis. Stats.
- B. "Record" has the meaning defined in Sec. 19.32(2), Wis. Stats.
- C. E-mail reports, documentation, same as record see above

**14.04 RETENTION SCHEDULE**

The following records are maintained by the various departments in the county and are subject to uniform regulation unless otherwise specified. The retention period and authority are listed with each record.

<b>RECORD</b>	<b>RETENTION</b>	<b>AUTHORITY</b>	<b>W N N/A</b>
<b>A. GENERAL</b>			
Contract, leases, agreements, notices of taking bids	7 years after the last effective day thereof	Sec. 59.715 (10), Wis. Stats.	W
Insurance Policies Claims Master Contracts	See Sec. B Permanent		N/A
Canceled Checks	7 years*	Sec. 59.715 (18), Wis. Stats.	W
Receipts	7 years*		W
Accounts Payable-Purchasing invoices/vouchers/detail listing/vendor listing	7 years*		W
Accounts receivable/receipts	7 years*		W
Receipt journals	7 years*		W
Vouchers/order register	7 years*		W
General journal	7 years*		W
Construction plans for county buildings & Bridges	Life of structure		N
Blueprints	Until superseded by as-built tracings		N
As-built tracings	Life of project		N
Personnel records	See Sec. V		W
Warranty records	Life of product or end of warranty, whichever occurs first		W
Any record subject to litigation, claim, audit or other action	Until permission to destroy obtained from Corporation Counsel		W
Citations (copies)	2 years		W
Correspondence	3 years		W
Fleet car usage, purchase requisitions	1 year after audit		W
Purchase orders	7 years		W
Bids and proposal, successful	7 years after contract expiration		W
Bids and proposals, unsuccessful	1 year after audit		W
<b>PUBLIC WORKS CONTRACTS</b>			W
Notice to Contractors			
Successful bidders	7 years		
Unsuccessful bidders	2 years		
<b>BIDDER'S PROOF OF RESPONSIBILITY</b>			
Successful bidders	7 years		
Unsuccessful bidders	2 years		
<b>BIDS</b>			
Successful bidders	7 years after completion of project		
Unsuccessful bidders	2 years		
Bid Tabulations	2 years		
Performance bond	7 years after completion of project		
Contract	7 years after completion of Project		

Master Project files	20 years		
* Time reduced to 2 years if the original records are maintained in the Finance Department			
<b>B. ADMINISTRATIVE COORDINATOR/COUNTY CLERK</b>			
General Liability and Property Damage Claims	3 years after closure		W
<b>C. BOARD OF ADJUSTMENT</b>			
Decisions and supporting documents	See Sec. DD		
<b>D. CHILD SUPPORT</b>			
Expenditure reports & supporting documentation	3 years	45CFR 74.20 74.24	W
Statistical reports & supporting documentation	3 years	45CFR 73.20 74.25	W
Client/case records including client/attorney information	Until youngest child reaches age 21		W
Records of required client notification	3 years	45CFR 73.20 74.25	W
<b>E. COMPUTER SERVICES</b>			
Provides information technology services for departments and stores records information electronically for departments. Record information stored electronically must be maintained pursuant to the guidelines established for the specific departmental records and countywide records enumerated in this chapter.			
<b>F. CORPORATION COUNSEL</b>			
Case files/non-litigation	3 years		W
Case files/litigation	3 years after closure or when appeal time has run, whichever is longer or per SCR		W
Legal memos	7 years		W
Legal opinions	Permanent		N/A
<b>G. COUNTY CLERK</b>			
Records of bounty claims forwarded to DNR	1 year	Sec. 59.15 (3), Wis. Stats	W
Lists of town, City & village officers certified to county clerk	After the date of expiration of term listed	Sec. 59.715 (4), Wis. Stats.	N
Crop reports by local assessors	3 years	Sec. 59.715(5), Wis. Stats.	N
Notices of application for taking of tax deeds & certification of non-occupancy, proofs of service & tax certificates filed	15 years	Sec. 59.715(7), Wis. Stats.	W
Official bonds	6 years	Sec. 59.715(8), Wis. Stats.	W
Claims paid by county & supporting papers	7 years	Sec. 59.715(9), Wis. Stats.	W
Reports of town treasurers on dog licenses sold & records of dog licenses issued	3 years	Sec. 59.715(12), Wis. Stats.	W
Copies of receipts issued by treasurer	4 years or until audited, whichever is earlier	Sec. 59.715(14), Wis. Stats.	W
Copies of notices to town assessors setting out lands sold by the county & owned by county	3 years	Sec. 59.715(15), Wis. Stats.	W
Oaths of office	7 years	Sec. 59.715(19), Wis. Stats.	W
Marriage license applications & supporting papers	10 years	Sec. 59.715(22), Wis. Stats.	W
Original papers, resolutions, ordinances & reports appearing in county board proceedings	6 years after date of publication	Sec. 59.717(1), Wis. Stats.	N

Committee minutes	6 years after date of publication	Sec. 59.717(1), Wis. Stats.	N
Deeds	Permanent or listing of when & where recorded		N/A
Abstracts & certificates of title, title insurance policies	Permanent or as long as land owned		N/A
Canceled bonds, coupons & promissory notes	Until audited		W
Bond & coupon record book, general obligation bonds	7 years after bond issued expires or following payment of all outstanding matured bonds, notes, coupons, whichever is later		
Supervisory district plan and map	Until next apportionment	Sec. 59.03, Wis. Stats.	W
U.S. Geological Survey	Until next set of maps received		W
Report of functional jurisdiction of reads	10 years or until next report received		W
Certified mileage lists	Until next list received		W
Town plats	3 years		W
Award of damage for scenic rights	Until recorded		W
Relocation orders/maps	Retain latest revision for each project		W
Mill rates from towns	2 years		W
Journal of Proceedings	6 years after date of publication		N
Canceled voter registration cards	4 years after cancellation	Sec. 7.23(1)(c), Wis. Stats.	W
Election financial reports; election financial registration statements	6 years	Sec. 7.23(1)(d), Wis. Stats.	W
Registration & poll lists Non-partisan primary or election Partisan primary or elections	2 years 4 years	Sec. 7.23(1)(g), Wis. Stats.	W
Federal election records other than registration cards	22 months	Sec. 7.23(1)(g), Wis. Stats.	W
Detachable recording units and compartments on electronic voting machines	14 days after primary and 21 days after any other election-clear or erase after transfer to a disk or other recording medium	Sec. 7.23(1)(g), Wis. Stats.	W
Disk or other recording medium containing the above information	22 months after date of election	Sec. 7.23(1)(g), Wis. Stats.	W
Any election ballots	30 days after election	Sec. 7.23(1)(h), Wis. Stats.	W
Official election canvasses	10 years after election	Sec. 7.23(1)(i), Wis. Stats.	W
Election notices proofs of publication & correspondence	1 year after date of election unless contested, then by court order	Sec. 7.23(1)(j), Wis. Stats.	W
All other election materials & supplies	90 days after election	Sec. 7.23(1)(k), Wis. Stats.	W
<b>H. COURTS</b> - Circuit Court, Court Commissioner, Clerk of Court, Register in Probate			
All records maintained by the Clerk of Court, Register in Probate, Juvenile court or Juvenile Intake Office relating to Juvenile Court matters, and the Family Court Commissioner shall be retained in compliance with Supreme Court Rules Chapter 72. Records not specified therein of a general countywide nature shall be retained pursuant to subs. A of this ordinance.			
Records of child in shelter care	Until child's 21 <sup>st</sup> birthday except permanent register of names of children & dates of admission & release	HSS 59.07(3)(b)	W
Juvenile Secure facility records	10 years after 18 <sup>th</sup> birthday	HSS 346.13 and SCR 72	W

<b>I. DISTRICT ATTORNEY AND VICTIM WITNESS</b>			
District Attorney records are governed by state record retention schedules-Reference 505/142 through 505/148 and Wisconsin State Stats. Sec. 978.07. Call the Public Records and Forms Board at 608-266-2996 or the State Prosecutors Office at 608-267-2700 for information on retention and disposition of these records.			
<b>J. EMERGENCY MANGEMENT/GOVERNMENT</b>			
Federal Emergency Management Agency Grants/ Homeland Security	7 years		W
State EPCRA Reporting	7 years		W
<b>K. EMERGENCY COMMUNICATIONS CENTER</b>			
Incident record	10 years		W
Telecommunication's Radio Log	120 days		W
Audio Tapes	120 days		W
<b>L. FINANCE</b>			
All accounts of county and books of account	7 years		W
General Ledger	15 years		W
Bank Statements	4 years		W
Balancing reports	4 years		W
Payroll registers, other payroll report, and social security and retirement earnings reports	10 years		W
Withholding allowance certificates, employee wage and tax statements, and other tax records	7 years		W
Time Cards, attendance, records, salary schedule	7 years		W
Insurance records	7 years		W
Garnishment records	7 years		W
Rough work papers used in payroll calculations	3 years		W
Unemployment compensation records	3 years		W
Retirement records	8 years after end of service		W
Deferred compensation payment records	8 years after end of service		W
Equipment & furnishings inventories	Until superseded		W
Property inventory	Until superseded		W
Investment records	6 years		W
Notices of tax apportionment from Secretary of State	3 years	Sec. 59.715(1), Wis. Stats.	W
Copies of notices of tax apportionment sent to local taxing districts by County Clerk	3 years	Sec. 59.715(2), Wis. Stats.	W
Illegal tax certificates charged back to local tax districts	3 years after charging back	Sec. 59.715(6), Wis. Stats.	W
Check register/ treasurer cash	7 years		W
Journal entries & any audits or journal entries	7 years		W
General Ledger, Trial balance	7 years		W
Budget, vendor listing, payables	3 years		W
<b>M. HIGHWAY</b>			
Machinery time sheets	7 years		W
Permits	Permanent		N/A
State gas reports	7 years		W
Accident Reports (copies)	7 years		W

Insurance reports (copies)	7 years		W
Labor Sheets	7 years		W
Material Sheets	7 years		W
Stock Control Records	2 years		W
Fuel usage reports	2 years		W
Heavy equipment and vehicle inventory ledger	Until superseded		W
Vehicle maintenance histories	Life of vehicle		W
Vehicle usage reports	2 years		W
<b>N. HEALTH &amp; HUMAN SERVICES</b> (This is a 46.23 board)			
(Administration, Accounts Receivable, Business Office, Alcohol-Drug Abuse Services, Economic Support/Public Assistance, Family and Children's Services, Long Term Support, Medical Reports, Mental Health Services, Mental Health-CSP, Public Health, WIC, Waupaca County Industries-Workshop, Environmental health			
<b>Open Public Assistance Case Records</b>			Notification of SHS
Ch. 49 case records & other materials of all public assistance kept as required	If no payments have been made for at least 3 years and a face sheet and financial record of payments for each aid account are preserved in accordance with rules adopted by DHFS, set out below.	Sec. 59.715(21), Wis. Stats.	W
1) All data forms; case determination sheets worksheets; medical assistance certification sheets; sheets which document the verification of changeable items, such as income or health status; correspondence to and from applicants & recipients; and any other documents needed to support income maintenance agency decisions	Keep for most recent 6 year period	HSS 245.03 (1)(a)	W
2) Sheets which document the verification of unchangeable items, such as social security numbers, birth dates, and citizenship	As long as case is open	HSS 245.03) 1)(b)	W
3) Financial record for all payment s not on file in CRN	As long as case is open	HSS 245.03(1)(c)	W
<b>Closed public assistance cases &amp; denied cases:</b>			
Records specified in (1), above	3 years after case is closing	HSS 245.03(2)(a)	W
Most recent data form, records specified in (1) and (2), above and materials relating to an lack of cooperation on the part of the recipient	6 years from date of closing	HSS 245.03(2)(b)	W
Most recent data form and records specified in (1) and (2) above	36 months years from date of denial	HSS 245.03(2)(2)	W
Social service case files [CM2]	3 years after case is closed	DHSS Memo (82-1A) N	W
State required case documentation; initial contact sheet; notice of agency action; social services face sheet; social services agreement; social services narrative; financial information; any other records documenting client eligibility and activity	3 years after case is closed		W

State required and county developed case documentation; assessment or diagnostic forms, records and narratives; social and medical histories; copies of court reports pertinent to the case; release of information forms; client progress notes; case review forms; client or service agreements; forms and documentation of eligibility or financial status	3 years after case is closed		W
Social services records for cases not opened for services; applications; referral actions not resulting in case opening; miscellaneous requests and correspondence about individual clients from consumer and other agencies which do not result in case opening	1 year after final action/determination		W
<b>Chapter 51 treatment records</b>	7 years after treatment unless specified below	HSS 92.12	W
	In the case of a minor, until the person becomes 19 years of age or until 7 years after treatment, whichever is longer		
	Any record undergoing federal or state audit shall be maintained until completion of the audit.		
	Records relating to legal actions shall be maintained until completion of legal action		
	Records relating to billing or HSS 1.06(3)(d) collections shall be maintained as long as the files are active. Records remain active as long as liability exists with the following exception: For inpatient mental health services, client records may be placed in inactive status when third-party sources are exhausted and it has been determined the responsible parties have a permanent inability or unlikely future ability to pay		



	Inactive client records shall be available for audit purposes and kept a minimum of 5 years with the following exception: Where liability for inpatient mental health services remains, client records shall be kept a minimum of 10 years after the last transaction is posted to the record.		
Payee records	Permanent		N/A
Case management files	7 years		W
Payee miscellaneous documents	3 months after audit completed		W
<b>Children's Records</b>			W
A register identifying information about children accepted for service or placement	Permanent	HSS 54.05(2)(2) 1	N/A
Individual case records for each child served and his/her family	7 years after case closed		W
Individual foster home records for each foster home used by the agency, which includes signed applications and agreements	7 years		W
Individual records of studied adoptive applicants	7 years		W
Personnel records	7 years		W
Financial reports and audits	7 years		W
Licensing and certification records for in-home and family day care; adult family homes; foster homes; and group foster homes for children; application or other request forms; inspection and observation check lists; correspondence; other documentation relating to licensing or certification; approved license or certificate	2 years after the license or certificate is no longer active		W
Licensing and certification records for above types of facilities where license or certificate was not approved	One year after final action/determination		W
Adoption records; county agencies providing child welfare services under s. 48.56 or child-placing agencies licensed under s. 48.60 Wis. Stats., should follow the detailed procedures or adoption information search and disclosure detailed in HSS 53.	Permanent	HSS 53.07(1)	N/A
Third-party recovery records	One year after case closure; recommend microfilming essential information		W
<b>Fraud Referral Records</b>			W
Unfounded	3 years after determination; recommend microfilming essential information		W

Founded – referred D.A.	7 years after determination; recommend microfilming essential information		W
Founded – other	5 years after determination; recommend microfilming essential information		W
<b>Health Records</b>			
Early Intervention Program (0-3 Children) records; evaluations, screening; plans, and therapy information.	5 years after child ends program or 8 years from date of birth. Parents can request records NOT be destroyed.		W
W.I.C.	3 full fiscal years plus 150 days	7 CFR 246.25	W
<b>Client and/or Family Care Records</b>			
Birth Certificate Information	Not longer than one year	Sec. 69.20(3)(c), Wis. Stats.	W
Client Record/Patient Care Record	7 years, records of minors will be retained 5 years after minor reaches 18 years of age.	Sec. 19.21, Wis. Stats.	W
Family Care Record	7 years, records of minors will be retained 5 Years after minor reaches 18 years of age.	Sec. 19.21, Wis. Stats.	W
Health Care/Well Child	7 years, records of minors will be retained five 5 years after minor reaches 18 years of age.		
Short Term Record	7 years, records of minors will be retained 5 years after minor reaches 18 years of age.	Sec. 19.21, Wis. Stats.	W
Care Coordination	7 years, records of minors will be retained 5 years after minor reaches 18 years of age.	Sec. 19.21, Wis. Stats.	W
Water Sample Reports	7 years		W
Health Hazard Investigations	7 years		W
Communicable Disease Records and Immunization Records	7 years, records of minors will be retained 5 years after minor reaches 18 years of age.	Sec. 19.21, Wis. Stats.	W
Signature of person to receive vaccine or person authorized to make request for immunization	10 years, records of minors will be retained 5 years after minor reaches 18 years of age.	National Childhood Injury Act of 1986 Wis. Stats. s. 2125 PHS Act at 42 U.S.C. Wis. Stats. s. 300aa-25 (Supp.1987)	W
Immunization Administration Record	Permanent		W
Communicable Disease Reports (4151) – Local Copy (Original to State Epidemiologist)	7 years, records of minors will be retained 5 years after minor reaches 18 years of age.		W
Communicable Disease Outbreak Records [DOH 4142 (Rev. 8/86) & is complete DOH 9081] (Original to State Epidemiologist)	Until investigation is complete		W
Hepatitis B/TB Case Records	Thirty years beyond severance		W
Environmental Health Records		Sec. 254.69(2)(6), 250.04(7), Wis. Stats.	W
Licensed Establishments Inspection Records	3 years		W
Variance Approvals	Permanent		W

<b>Aging Records</b>			
All financial and programmatic records supporting documents, statistical records, and other records which are required to be maintained by the terms of the grant/contract or otherwise reasonably considered as pertinent to the grant/contract are governed by federal DHSS Regulations Title 45 part 74 Subpart D.			
Records as defined above	3 years from date the Office on Aging submits to HSS the last federal expenditure report for each grant award		W
Litigation, claims, audit or other action involving records	Completion of action and resolution of all issues or the normal 3 year period, whichever is later		W
Equipment records	3 years from date of disposition, replacement or transfer. (Direction of awarding agency)		
Indirect cost rate proposals & cost allocation plans	3 years from the end of the contract covered by the plan or proposal		W
In case of litigation, claim, audit or other action involving records or records concerning non-expendable property, such records may not be disposed until authorization has been obtained by the awarding agency to dispose of records			
<b>O. NURSING HOME – LAKEVIEW MANOR</b>			
Resident's medical record	7 years after discharge or death	HHS 132.45(4)(f) 2	W
Master resident index	Permanent	HSS 132.45(4)(f) 3	N/A
Disease index	Permanent	HSS 132.45(4)(f) 3	N/A
Census reports	5 years	HSS 132.45(4)(f) and 132.45(4)(d)	W
Documents authorizing another person to speak or act on behalf of the resident	7 years	HSS 132.45(4)(f)	W
Personnel/employee records		See Personnel	W
Professional consultation record	7 years after discharge or death routinely maintained as part of medical chart	HSS 132.45(6)(e) and 132.45(4)(f)	W
Dietary records (all menus and therapeutic diets)	2 years	HSS 132.45(6)(a) and 132.45(4)(d)	W
Staff work and time schedules	2 years	HSS 132.45(6)(b) and 132.45(4)(d)	W
Safety tests-records of fire detection, alarm & extinguishments tests	2 years	HSS132.45(6)(c) and 132.45(4)(d)	W
In-service & orientation programs (including subject matter, instructors & attendance records)	2 years	HSS132.45 (6)(f) and 132.45(4)(d)	W
Resident Injury and Accident Reports	6 months		
Transfer agreements	2 years	HSS 132.45(6)(g) and 132.45(4)(d)	W
Funds & property statements or residents	2 years from date of resident's discharge, transfer from facility or death	HSS 132.45(6)(h) and 132.45(4)(d)	W
All other records required by HSS 132.45	2 years	HSS 132.45(4)(f)	W
Drug control sheets	7 years	Pharmacy 7.05 Wis. Admin. Code	W
Utilization review & other committee meeting minutes	7 years		W

Gas tax refund	3 years		W
Receipts/patient cash/bank statements/documents and income records maintained by facility for residents	7 years		W
Purchase orders (copy)	3 years		W
<b>P. LAND CONSERVATION – CONTRACTS</b>			
Conservation Reserve Enhancement Program	15 years or perpetual		
Wildlife Damage Program	1 year for claims program, 15 years for fencing contract		
Lower Little Wolf & Tomorrow/Waupaca Watershed	10-15 years depending on length of operation and maintenance plan		
Land and Water Resource Management Plan Contracts	10-15 years individual depending on length of operation and maintenance plan		
Targeted Runoff management Grant Program Contracts	10-15 years individual depending on length of operation and maintenance plan		
Farmland Preservation Program Contracts	10-25 years dependant on length on land owner agreement		
<b>Q. LIBRARY SYSTEM (NO RECORDS COVERED AT THIS TIME)</b>			
<b>R. MAINTENANCE</b>			
Blueprints	Permanent or until building disposed of		N/A
Shop drawings	Permanent		N/A
Equipment & Machine Maintenance records	Life of equipment		W
Utility usage	5 years		W
Inventory	Until superseded		W
Receipts from County Treasurer	4 years or until audited, whichever is sooner		W
Keying list	Until superseded		W
Material data sheets	7 years after product used up	35 years OSHA	W
<b>S. MEDICAL EXAMINER / CORONER</b>			
Homicide or suspicious death records 9 D#2	75 years		N
All other records	7 years unless subject to litigation and then until litigation resolved		W
<b>T. PARKS</b>			
Master park plan	Permanent		N/A
Plats	Permanent		N/A
Aerial photographs	Permanent		N/A
Committee agendas & summaries	6 years		W
Citation & Park patrol records	2 years		W
Guidebooks and trail information	Until updated or no longer useable		W
Wisconsin Conservation Corps projects/crew information	3 years		W
Annual work plans	3 years		W
Dam information	Permanent		N/A

Equipment & vehicle registration reports	Until equipment & vehicles disposed of		W
General information	Until updated		W
Land acquisition deeds, abstracts	Permanent or until land disposed of		N/A
<b>U. PERSONNEL</b>			
Employee personnel/medical and training records	12 years after end of service		W
Employee Medical and Exposure records of employees exposed to toxic substances or harmful physical agents. This includes Hepatitis B /TB exposure records.	30 years beyond severance		W
Performance related documents	12 years after end of service		W
EEOC reports, harassment or sexual harassment complaints	7 years except where a claim has been filed; all personnel records relevant to a charge or action shall be retained until final disposition of the charge or the action.		W
Recruitment records made or kept, including but not limited to applications, test documents and other records pertaining to hiring, selection, promotion, demotion, transfer, layoff or termination and terms of compensation	7 years		W
Bargaining unit agreements, grievance, mediation and arbitration records	Permanent		N/A
Policies and Procedures	8 years after updated or terminated		W
Time Cards and W2's	7 years		W
Workers Compensation and Liability Claims	12 years after end of service		W
Reclassifications and classification/compensation reviews or studies	7 years		W
1 – 9 Forms	3 years, if employed three or more years; a minimum of 1 year after termination.		W
<b>V. PLANNING (Register of Deeds, Zoning, Land &amp; Water, Land Records &amp; Solid Waste)</b>			
Plats	Permanent		N/A
Assessor's Plat	Permanent		N/A
Aerial photographs	Until superseded		N
Certified Survey Maps	Permanent		N/A
Water quality approval letters	Permanent		W
Parcel Maps	Until superseded		W
Hauler licenses/applications	2 years after renewal		W
County Development Plan	Until superseded		W
Land Information Plan	Until superseded		W
Waste Management Plan	Until superseded		W
<b>W. REAL PROPERTY LISTER</b>			
Final real property assessment roll	15 years except that no	Sec. 59.717(4), Wis. Stats.	N

	assessment roll containing forest crop acreage may be destroyed without prior approval of the secretary of Revenue		
Parcel maps	Until superseded		
<b>X. REGISTER OF DEEDS (Also, see V. PLANNING )</b>			
Obsolete documents pertaining to chattels, including final books of entry	6 years, with county board approval	Sec. 59.51(14), Wis. Stats.	W
Land Records, plats, CSM	Permanent (see V. Planning)	Sec. 59.43(1), Wis. Stats.	N/A
Marriages, deaths and births	Permanent	Sec. 69.05 & 69.07, Wis. Stats.	
Military discharges	Permanent	Sec. 45.21, Wis. Stats.	
<b>Y. SHERIFF (Process Division, Jail Division, Detective Division, Patrol Division)</b>			
Process Division	7 years		W
Attorney letters	7 years		W
Form 50's	7 years		W
Transport records	7 years		W
Proof of Service	7 years		W
Correspondence instructing civil process service	7 years		W
Process receipt print-outs	7 years		W
Process deposit receipts	7 years		W
<b>Jail Division</b>			
Dockets, daily jail records & cash books	8 years	Sec. 59.23(8), Wis. Stats.	N
Check Book	7 years		W
Ledger Sheets	7 years		W
Accounts Work Sheets	7 years		W
Meal Books	7 years		W
Canteen Sheets	7 years		W
Visit Logs	7 years		W
Menus	7 years		W
Jail Billing	8 years	Sec. 59.23(8), Wis. Stats.	W
Bond Receipts	8 years	Sec. 59.23(8), Wis. Stats.	W
Daily Bond	8 years	Sec. 59.23(8), Wis. Stats.	W
Inmate files: Disciplinary forms, Huber Revocation forms, Employer information forms, Employer job search verification sheets, Court Orders	8 years after release of inmate	Sec. 59.23(8), Wis. Stats. DOC348.09(1) DOC348.09(3)	W
Daily Work Location Forms	8 years	Sec. 59.23(8), Wis. Stats.	W
Inmate Daily Activity Log Forms	8 years	Sec. 59.23(8), Wis. Stats.	W
Exercise Logs	8 years	Sec. 59.23(8), Wis. Stats.	W
Phone Logs	8 years	Sec. 59.23(8), Wis. Stats.	W
Huber Rules Form	8 years	Sec. 59.23(8), Wis. Stats.	W
Jailer Logs	8 years	Sec. 59.23(8), Wis. Stats.	W
Daily Cell Block Check Sheets	8 years	Sec. 59.23(8), Wis. Stats.	W
Medical Records	8 years	Sec. 59.23(8), Wis. Stats.	W
Booking Sheets	Permanent	Sec. 59.23(8), Wis. Stats. DOC348.09(2)	W

<b>Detective Division</b>			
Ordinance Violation Citations	2 years		W
Arrest Records	8 years	Sec. 59.23(8), Wis. Stats.	W
Incident Records	10 years	Sec. 59.23(8), Wis. Stats.	W
Evidence Cards	10 years	Sec. 59.23(8), Wis. Stats.	W
<b>Patrol Division</b>			
Uniform Traffic Citations	1 year after closed, disposed or canceled		W
Work Schedules	7 years		W
Wisconsin Accident Reports	8 years	Sec. 59.23(8), Wis. Stats.	W
<b>Z. SURVEYOR</b>			
Section Corner Monument	Permanent	Sec. 59.60(a), Wis. Stats.	N/A
<b>AA. TREASURER</b>			
General receipts and settlement receipts	7 years	Sec. 59.715(17), Wis. Stats.	W
Municipal Tax Rolls (See also "Planning & Development")	15 years	Sec. 59.717(2), Wis. Stats.	N
Balancing reports	3 years		W
Audit letters	3 years		W
Accounts payable/detail listing/check register (copies)	3 years		W
Journal entries, resolutions, general receipts, treasurer's cash	3 years		W
General receipts combines	3 years		W
Bank reconciliation's	7 years		W
Outstanding checks	7 years		W
Check register	7 years		W
Deposit tickets	1 year after audit		W
Bank credit/debit notices	1 year after audit		W
Cash drawer reconciliation's	1 year after audit		W
Tax receipts	15 years	Sec. 59.715(16), Wis. Stats.	W
All other receipts of County Treasurer	7 years	Sec. 59.715(17), Wis. Stats.	W
Certified special assessment roll	After assessment collected or 7 years, whichever is longer		W
Statement of new special assessments	5 years		W
Special assessment payment register	Until all assessments collected or 7 years, whichever is longer		W
<b>BB. UNIVERSITY EXTENSION (No records covered at this time – See General)</b>			
<b>CC. VETERANS SERVICE OFFICE</b>			
Regulations	Until superseded		W
Military separation records of veterans	Permanent		N/A
News releases	6 years		W
Grave registration Files	Permanent (Suggest microfilm after 6 years)		N
Veterans' benefit case files	2 years after inactive		N
Wisconsin Department of Veterans' Affairs bulletins	Until superseded		W
<b>DD. ZONING OFFICE</b>			
Aerial photographs	Until superseded		N
Permit applications	Permanent		N/A
Code compliance & inspection reports	Permanent		N/A
Permit ledger	3 years		W
Board of Adjustment/Zoning decisions and supporting documentation	Permanent		N/A

#### **14.05 DESTRUCTION AFTER REQUEST FOR INSPECTION**

No requested record may be destroyed until after the request is granted or 60 days after the request is denied. If an action is commenced under Section 19.37, Wis. Stats., the requested record may not be destroyed until a court order is issued and all appeals have been completed. See Section 19.35(5), Wis. Stats.

#### **14.06 DESTRUCTION PENDING LITIGATION**

No record subject to pending litigation shall be destroyed until the litigation has been resolved.

#### **14.07 MICROFILMING OR OPTICAL DISK STORAGE OF DEPARTMENT RECORDS**

Departments may keep and preserve public records through the use of optical disk storage providing that the applicable standards established in Sec. 6.61(7) and 16.612, Wis. Stats. respectively are met. Departments should consider factors such as retention periods and estimated costs and benefits of converting records between different media in deciding which records to microfilm or store on optical disk. After verification paper records converted to either microfilm or optical disk storage should be destroyed. The retention periods identified in this ordinance apply to records in any media.

#### **14.08 REVIEW AND APPROVAL BY PUBLIC RECORDS AND FORMS BOARD**

This chapter has been reviewed and approved by the Wisconsin Public Records and Forms Board.

Approved by State Public Records and Forms Board November 25, 2003

Adopted by Waupaca County Board of Supervisors February 17, 2004

Supr. Craig moved and Supr. Whitman seconded the motion to adopt Chapter 14 of the Waupaca County Code of Ordinances. Motion carried 22-0. Passed this 17<sup>th</sup> day of February, 2004.

### **REPEAL AND RECREATE WAUPACA COUNTY CODE OF ORDINANCES CHAPTER 9 – PUBLIC PEACE AND GOOD WILL**

#### **9.01 STATE STATUTES ADOPTED**

The following state statutes are hereby adopted by the County as if fully set forth herein. Violations of these provisions shall be cited as Sec. 9.01. Any further amendments, revisions, modifications, or newly-created provisions of the Wisconsin Statutes, incorporated herein, are intended to be part of this chapter.



<u>Subsection</u>	<u>Adopting State Statutes</u>	<u>Offense</u>
(1)	125.02	Definitions (Alcoholic Beverages)
(2)	125.07	Underage and Intoxicated Persons; Presence on Premises; Possession
(3)	125.085(3)	Identification Card Violations (alteration and misrepresentation).
(4)	125.09	General Restrictions
(5)	125.32(3)	Closing Hours (Class B license)
(6)	125.68(4)	Closing Hours (Class A license)
(7)	940.19(1)	Battery
(8)	940.225(3m)	Sexual Assault
(9)	948.51	Hazing
(10)	941.01	Negligent Operation with a Motor Vehicle
(11)	941.10	Negligent Handling of Burning Materials
(12)	941.13	False Alarms
(13)	941.20	Reckless Use of Weapons
(14)	941.23	Carrying Concealed Weapon
(15)	941.235	Carrying Firearms in Public Building
(16)	941.24	Possession of Switchblade
(17)	941.35	Emergency Telephone Calls
(18)	941.36	Fraudulent Tapping of Electric Wires or Gas or Water Meters or Pipes
(19)	943.01(1)	Damage to Property
(20)	943.07	Damage to Railroads
(21)	943.11	Entry to Locked Vehicle
(22)	943.125	Entry to Locked Coin Box
(23)	943.13	Trespass to Land
(24)	943.14	Trespass to Dwelling
(25)	943.145	Trespass to Medical Facility
(26)	943.15	Entry Onto a Construction Site or Into a Locked Building, Dwelling or Room
(27)(a)	943.20(1)(a)	Theft, Use, Transfer, Concealment or Possession of Stolen Property
(27)(b)	943.20(1)(b)	Embezzlement/Theft by Bailee or Trustee
(27)(c)	943.20(1)(c)	Defeating Superior Right of Possession
(27)(d)	943.20(1)(d)	Theft by Fraud
(27)(e)	943.20(1)(e)	Fail to Return Leased/Rented Property
(28)	943.207	Transfer of Recorded Sounds for Unlawful Use; Sale
(29)	943.21	Fraud on Hotel or Restaurant Keeper
(30)	943.215	Absconding Without Paying Rent
(31)	943.22	Use of Cheating Tokens
(32)	943.24	Issuance of Worthless Checks
(33)	943.50(1)(m)	Retail Theft (Shoplifting)
(34)	944.15	Fornication

(35)	944.17	Sexual Gratification
(36)	944.20	Lewd and Lascivious Behavior
(37)	944.23	Making Lewd, Obscene or Indecent Drawings
(38)	946.40	Refusing to Aid Officer
(39)	946.41	Resisting or Obstructing Officer
(40)	946.66	Falsely Assuming to Act as Public Officer or Employee
(41)	946.70	Impersonating Peace Officer
(42)	947.01	Disorderly Conduct
(43)	947.012	Unlawful Use of Telephone
(44)	947.013	Harassment
(45)	947.02	Vagrancy
(46)	947.04	Drinking in Common Carrier
(47)	948.45	Contributing to Truancy

## **9.02 VEHICLE ABANDONMENT PROHIBITED; REMOVAL, DISPOSAL**

### **A. Definition**

No person shall leave unattended any motor vehicle, trailer, semi-trailer or mobile home on any public highway or private or public property, for such time and under such circumstances as to cause the vehicle to reasonably appear to have been abandoned. Except as otherwise provided in this subsection, whenever any vehicle has been left attended without the permission of the property owner for more than 48 hours in cities, village and towns, a period set by the governing body thereof, the vehicle is deemed abandoned and constitutes a public nuisance. A motor vehicle shall not be considered an abandoned motor vehicle when it is out of ordinary public view, or when designated as not abandoned by a duly authorized municipal or county official pursuant to municipal or county ordinance.

### **B. Abandonment Prohibited**

Any vehicle in violation of this section shall be impounded until lawfully claimed or disposed of except that if it is deemed by a duly authorized municipal or county representative that the cost of towing and storage charges for the impoundment would exceed the value of the vehicle, the vehicle may be junked or sold by the municipality or county prior to expiration of the impoundment period upon determination by the chief of police or sheriff having jurisdiction that the vehicle is not stolen or otherwise wanted for evidence or other reason. An abandoned vehicle constitutes a public nuisance.

**C. Notification of Owner & Lien Holders**

Any vehicle which is deemed abandoned by a duly authorized municipal or county representative shall be retained in storage for a minimum period of 10 days after certified mail notice has been sent to the owner and lien holders of record to permit reclamation of the vehicle after payment of accrued charges. Such notice shall set forth the year, make, model, and serial number of the abandoned motor vehicle, the place where the vehicle is being held and shall inform the owner and any lien holders of their right to reclaim the vehicle. The notice shall state that the failure of the owner or lien holders to exercise their rights to reclaim the vehicle under this section shall be deemed a waiver of the right, title, and interest in the vehicle and a consent to the sale of the vehicle. Each retained vehicle not reclaimed by its owner or lien holders may be sold.

**D. Disposal**

The municipality or county may dispose of the vehicle by sealed bid or auction sale. At such sale, the highest bid for each such motor vehicle shall be accepted unless the same is deemed inadequate by a duly authorized municipal or county representative, in which event all bids may be rejected. If all bids are rejected or no bid is received, the municipality or county may either readvertise the sale, adjourn the sale to a definite date, sell the motor vehicle at a private sale or junk the vehicle. Any interested person may offer bids on each abandoned vehicle to be sold.

**E. Report**

Upon sale of an abandoned vehicle, the municipality or county shall supply the purchaser to obtain a regular certificate of title for the vehicle. The purchaser shall have 10 days to remove the vehicle from the storage area, but shall pay a reasonable storage fee established by the municipality or county for each day the vehicle remains in storage after the 2<sup>nd</sup> business day subsequent to the sale date. Ten days after the sale, the purchaser shall forfeit all interest in the vehicle and the vehicle shall be deemed to be abandoned and may be sold again.

Within 5 days, after the sale or disposal of a vehicle as provided, the County shall advise the Division of Motor Vehicles, Madison, Wisconsin, of the sale or disposition of such vehicle on a form supplied by the Division of Motor Vehicles.

**9.03 UNLAWFUL REMOVAL OF PROPERTY**

No person shall take and carry away, use, transfer, conceal or retain possession of movable property of another without the owner's consent.

#### **9.04 TRESPASS – GENERAL**

##### **A. Criminal Trespass to a Building.**

No person shall intentionally enter a building of another, without the consent of some person lawfully upon the premises, under circumstances tending to create or provoke a breach of the peace.

##### **B. Trespass – Refusal to Leave Premises**

1. No person, who enters the premises or property of another, shall refuse to leave said premises or property when requested to do so by the owner, owner's agent, or other person in charge of the premises or property.
2. This offense shall include, but not be limited to, entry by a person upon the premises of any mercantile establishment, otherwise open to the public, where such person is requested to leave by the owner or a person in charge of such establishment. This section shall be enforced consistent with the State and Federal laws prohibiting discrimination in public places of accommodations or amusement because of sex, race, color, creed, physical condition, developmental disability as defined in Section 51.01(5), Wis. Stats., national origin or ancestry.

#### **9.05 LITTERING**

No person shall throw or deposit any weeds, sod, brush, burning materials, glass, bottles, cans, garbage, paper or other waste materials upon the streets, alleys, highways, public parks or other property of the County or upon any private property or upon the surface of any body of water within the County.

#### **9.06 MINORS DRINKING ALCOHOLIC BEVERAGES**

No person under the age of 21 shall drink or possess intoxicating liquors or fermented malt beverages anywhere within the unincorporated limits of the County unless the minor is accompanied by a parent, guardian or adult spouse.

#### **9.07 POSSESSION OF CONTROLLED SUBSTANCES**

No person shall possess a controlled substance contrary to the Uniform Controlled Substances Act, Chapter 961 of the Wisconsin Statutes.

## **9.08 SHINING WILD ANIMALS**

### **A. Definitions**

1. “Flashlight” means a battery operated light designed to be carried and held by hand.
2. “Light” includes flashlights, automobile lights and other lights.
3. “Peace officer” has the meaning designated under Sec. 939.22(22), Wis. Stats.
4. “Shining” means the casting of rays of light on a field, forest or other area for the purpose of illuminating, locating or attempting to illuminate or locate wild animals.

### **B. Presumptions**

A person casting the rays of light on a field, forest or other area which is frequented by wild animals is presumed to be shining wild animals. A person may introduce evidence to rebut his presumption

### **C. Shining Wild Animals After 10:00 p.m.**

1. Prohibition. No person may use or possess with intent to use a light for shining wild animals between 10:00 p.m. and 7:00 a.m.
2. Exceptions. This section does not apply:
  - a. To a peace officer on official business, an employee of the Department of Natural Resources or a person authorized by the Department of Natural Resources to conduct a game census.
  - b. To a person who possesses a flashlight or who uses a flashlight at the point of kill while hunting on foot raccoons, foxes or other unprotected animals during the open season for the animals hunted.
  - c. To a person who possesses a flashlight or who uses a flashlight while on foot and training a dog to track or hunt raccoons, foxes or other unprotected animals.
  - d. If rules promulgated by the Department of Natural Resources specifically permit a person to use or possess a light for shining wild animals during these times.

- e. To owners or tenants of farm land using motor vehicle lights while tilling the soil or harvesting crops, or inspecting or herding domestic animals on their own premises when in fact such domestic animals are in the area.

## **9.09 LOITERING OR PROWLING**

No person shall loiter or prowl in a place, at a time, or in a manner not usual for law-abiding individuals under circumstances that warrant alarm for the safety of persons or property in the vicinity.

Among the circumstances which may be considered in determining whether such alarm is warranted is the fact that the actor takes flight upon appearance of a law enforcement officer, refuses to identify himself, or manifestly endeavors to conceal himself or any object. Unless flight by the person or other circumstances make it impracticable, a law enforcement officer shall prior to any arrest for an offense under this section, afford the person an opportunity to dispel any alarm which would otherwise be warranted, by requesting him to identify himself and explain his presence and conduct. No person shall be convicted of an offense under this section of the law enforcement officer did not comply with the preceding sentence, or if it appears at trial that the explanation given by the person was true and, if believed by the law enforcement officer at the time, would have dispelled the alarm.

## **9.10 DRUG PARAPHERNALIA**

- A. “Drug paraphernalia” means all equipment, products, and materials of any kind that are used, designed for use or primarily intended for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, storing, containing, concealing, injecting, ingesting, inhaling, otherwise introducing into the human body a controlled substance or controlled substance analog in violation of this chapter. “Drug paraphernalia” includes, but is not limited to, any of the following:
  - 1. Kits used, designed for use or primarily intended for use in planting, propagating, cultivating, growing or harvesting of any species of plant that is a controlled substance or form which a controlled substance or controlled substance analog can be derived.
  - 2. Kits used, designed for use or primarily intended for use in manufacturing, compounding, converting, producing, processing or preparing controlled substances or controlled substance analogs.
  - 3. Isomerization devises used, designed for use or primarily intended for use in increasing the potency of any species of plant that this is a controlled substance.

4. Testing equipment used, designed for use or primarily intended for use in identifying, or in analyzing the strength, effectiveness or purity of, controlled substances or controlled substance analogs.
5. Scales and balances used, designed for use or primarily intended for use in weighing or measuring controlled substances or controlled substance analogs.
6. Diluents and adulterants, such as quinine hydrochloride, mannitol, mannite, dextrose and lactose used, designed for use or primarily intended for use in cutting controlled substances or controlled substance analogs.
7. Separation gins and sifters used, designed for use or primarily intended for use in removing twigs and seeds from, or in otherwise cleaning or refining, marijuana.
8. Blenders, bowls, containers, spoons and mixing devices used, designed for use or primarily intended for use in compounding controlled substances or controlled substance analogs.
9. Capsules, balloons, envelopes and other containers used, designed for use or primarily intended for use in packaging small quantities of controlled substances or controlled substance analogs.
10. Containers and other objects used, designed for use or primarily intended for use in storing or concealing controlled substances or controlled substance analogs.
11. Objects used, designed for use or primarily intended for use in ingesting, inhaling or otherwise introducing marijuana, cocaine, hashish or hashish oil into the human body, such as:
  - a. Metal, wooden, acrylic, glass, stone, plastic or ceramic pipes with or without screens, permanent screens, hashish heads or punctured metal bowls.
  - b. Water pipes.
  - c. Carburetion tubes and devices.
  - d. Smoking and carburetion masks.
  - e. Roach clips – meaning objects used to hold burning materials, such as a marijuana cigarette, that has become so small or too short to be held in the hand.

- f. Miniature cocaine spoons and cocaine vials.
- g. Chamber pipes.
- h. Carburetor pipes.
- i. Electric pipes.
- j. Air-driven pipes.
- k. Chilams.
- l. Bongs.
- m. Ice pipes or chillers.

**B. “Drug paraphernalia” excludes:**

- 1. Hypodermic syringes, needles and other objects used or intended for use in parenterally injecting substances into the human body or primarily intended for use with tobacco products.
- 2. Any item, including pipes, papers and accessories, that are designed for use or primarily intended for use with tobacco products.

**C. “Primarily” means chiefly or mainly.**

**D. Determination**

- 1. In determining whether an object is drug paraphernalia, a court or other authority shall consider, in addition to all other legally relevant factors, the following:
  - a. Statements by an owner or by anyone in control of the object concerning its use.
  - b. The proximity of the object, in time and space, to a direct violation of this chapter.
  - c. The proximity of the object to controlled substances or controlled substance analogs.
  - d. The existence of any residue of controlled substances or controlled substance analogs.



- e. Direct or circumstantial evidence of the intent of an owner, or of anyone in control of the object, to deliver it to persons whom he or she knows intend to use the object to facilitate a violation of this chapter; the innocence of an owner, or of anyone in control of the object, as to a direct violation of this chapter shall not prevent a finding that the object is designed for use or primarily intended for use as drug paraphernalia.
- f. Instructions, oral or written, provided with the object concerning its use.
- g. Descriptive materials accompanying the object that explain or direct its use.
- h. Local advertising concerning its use.
- i. The manner in which the object is displayed for sale.
- j. Whether the owner, or anyone in control of the object, is a legitimate supplier of like or related items to the community, such as a licensed distributor or dealer of tobacco products.
- k. The existence and scope of legitimate uses for the object in the community.
  - 1. Expert testimony concerning its use.
  - 2. In determining under this chapter whether an item is designed for a particular use, a court or other authority shall consider the objective physical characteristics and design features of the item.
  - 3. In determining under this chapter whether an item is primarily intended for a particular use, a court or other authority shall consider the subjective intent of the defendant.

**E. Possession of Drug Paraphernalia**

- 1. No person may use, or possess with the primary intent to use, drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled substance or controlled substance analog in violation of this chapter. Any person who violates this section may be fined not more than \$500 or imprisoned for not more than 30 days or both.

2. Any person who violates this section who is under 17 years of age is subject to a disposition under Sec. 938.344(2e), Wis. Stats.

**F. Manufacture or Delivery of Drug Paraphernalia**

1. No person may deliver, possess with intent to deliver, or manufacture with intent to deliver, drug paraphernalia, knowing that it will be primarily used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, and analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled substance or controlled substance analog in violation of this chapter. Any person who violates this section may be fined not more than \$1,000 or imprisoned not more than 90 days or both.
2. Any person who violates this section who is under 17 years of age is subject to a disposition under Sec. 938.344(2e), Wis. Stats.

**G. Delivery of Drug Paraphernalia to a Minor**

1. Any person 17 years of age or over who violates Section 9.10(F) by delivering drug paraphernalia to a person 17 years of age or under, who is at least 3 years younger than the violator, may be fined not more than \$10,000 or imprisoned not more than 9 months or both.
2. Any person who violates this section who is under 17 years of age is subject to a disposition under Sec. 938.344(2e), Wis. Stats.

**H. Advertisement of Drug Paraphernalia**

1. No person may place in any newspaper, magazine, handbill or other publication any advertisement, knowing that the purpose of the advertisement, in whole or in part, is to promote the sale of objects designed for use or primarily intended for use as drug paraphernalia in violation of this chapter. Any person who violates this section may be fined not more than \$500 or imprisoned not more than 30 days or both.

**I. Deposit Schedule**

	<u>Forfeiture</u>	<u>Penalty Assessment</u>	<u>Court Costs</u>	<u>Total Deposit</u>
First Offense	\$100.00	\$24.00	\$101.00	\$225.00
Second Offense	\$200.00	\$48.00	\$101.00	\$349.00

**J. Uniformity of Interpretation**

This chapter shall be so applied and constructed as to effectuate its general purpose to make uniform the law with respect to the subject of this chapter among those states which enact it.

**K. Short Title**

This chapter may be cited as the “Uniform Controlled Substance Act”.

**9.11 FRAUD ON MOTEL, RESTAURANT OR CAMPGROUND KEEPER**

- A.** No person shall, having obtained any food, lodging or other service or accommodation at any campground, hotel, motel, boarding or lodging house, or restaurant, abscond without paying for it.
- B.** No person shall, while a guest at any campground, hotel, motel, boarding or lodging house, or restaurant, defraud the keeper thereof in any transaction arising out of such relationship as guest.
- C.** The following shall be considered relevant evidence of a violation under subsections (A) or (B);
  - 1. The refusal of payment upon presentation when due, and the return unpaid of any bank check or order for the payment of money, given by any guest to any campground, hotel, motel, boarding or lodging house, or restaurant, in payment of any obligation arising out of the relationship as guest.
  - 2. The failure or refusal of any guest at a campground, hotel, motel, boarding or lodging house, or restaurant, to pay, upon written demand, the established charge for food, lodging or other service or accommodation actually rendered.
  - 3. The drawing, endorsing, issuing or delivering to any campground, hotel, motel, boarding or lodging house, or restaurant, or any check, draft or order for payment of money upon any bank or other depository, in payment of established charges for food, lodging or other service or accommodation, when at the time there is not sufficient credit with the drawee bank or other depository for payment in full of the instrument drawn.

## **9.12 DISORDERLY CONDUCT WITH A VEHICLE**

- A.** No person, in a vehicle, shall, in a private or public place, engage in disorderly conduct under circumstances in which such conduct tends to cause or provoke a disturbance.
- B.** Disorderly conduct includes, but is not limited to:
  - 1. Unnecessary and annoying noises made with a motor vehicle, by squealing tires, excessive acceleration of the engine, or by emitting unnecessary and loud muffler noises.
  - 2. Endangering the safety of his own person or property or the safety of another's person or property by the operation of a vehicle.
  - 3. Conduct done with no apparent reason or intent other than to intentionally annoy another.
  - 4. Using a horn, other than as a reasonable warning, or making any unnecessary or unreasonably loud or harsh sounds by means of a horn or other warning device.
  - 5. Violent, abusive, indecent, profane, boisterous, or unreasonably loud conduct.
  - 6. Loud, or unnecessary noises or vibrations of any kind.
- C.** A "vehicle" means every device in, upon or by which any person or property is or may be transported or drawn, and includes snowmobiles or other over-the-land vehicle.

## **9.13 CONTRIBUTING TO THE DELINQUENCY OR NEGLECT OF CHILDREN**

- A.** It shall be unlawful for any person of any age to intentionally encourage or contribute to the delinquency of any child as defined in Section 48.02(2), Wis. Stats., or
- B.** It shall be unlawful for any parent, guardian or legal custodian, who by neglect, or disregard of the morals, health or welfare of his or her child contributes to the delinquency of that child. This sub-section includes neglect or disregard on the part of the parents which results in the commission or probably commission by a child under the age of 12 of an act which would be a delinquent act if committed by a child 12 years of age or older.
- C.** An act or failure to act contributes to the delinquency or neglect of a child, although the child does not actually become neglected or delinquent, if the natural

and probable consequences of the act or failure to act would be to cause the child to become delinquent or neglected.

#### **9.14 TRUANCY FROM HOME OR SCHOOL**

- A.** Prior to the issuance of any citation alleging a violation of this Ordinance, the school attendance officer shall provide a law enforcement officer authorized to enforce this Ordinance with the evidence that the activities under Sec. 118.15(5), Wis. Stats., have been completed.
- B.** Upon finding that a child is a habitual truant, the Court shall enter an Order making one or more of the following dispositions:
1. Suspend the child's operating privilege as defined in Sec. 340.01(40). Wis. Stats., for not less than thirty days nor more than ninety days. The Court shall immediately take possession of any suspended license and forward it to the Department of Transportation, together with a notice stating the reason for the suspension and its duration.
  2. Order the child to participate in counseling, community services or a supervised program under Sec. 48.34(9), Wis. Stats.
  3. Order the child to remain at home except during the hours in which the child is attending religious worship or a school program, including travel time to get to and from the school program or place of worship. The Order may permit a child to leave his or her home if accompanied by a parent or guardian.
  4. Order the child to attend an educational program under Sec. 48.34(12), Wis. Stats.
  5. An order for the Department of Workforce Development to revoke, under Sec. 103.72, Wis. Stats., a permit under Sec. 103.70 authorizing the employment of the person.
  6. An order for the person to be placed in a teen court program as described in Sec. 938.342(1g)(f), Wis. Stats.
  7. An order for the child to attend school.
  8. A forfeiture of not more than \$500 plus costs subject to Sec. 938.37, Wis. Stats. All or part of the forfeiture plus costs may be assessed against the person, the parents or guardian of the person, or both.

9. Any other reasonable conditions consistent with this ordinance, including a curfew, restrictions as to going to or remaining on specific premises and restrictions on associating with other children or adults.
10. An order placing the individual under formal or informal supervision as described in Sec. 938.34(2), Wis. Stats. for up to one year.
11. An order for the person's parent, guardian or legal custodian to participate in counseling at the parent's, guardian or legal custodian's own expense or to attend school with the person or both.

## **9.15 CURFEW**

### **A. Violation by Child**

1. It is unlawful for any child under the age of 18 years, to loiter, idle, prowl, or remain upon any street or alley or other public places in the unincorporated parts of Waupaca County between 10:00 p.m. on Sundays, Mondays, Tuesdays, Wednesdays, or Thursdays, and 6:00 a.m. the next day; and between 12:00 midnight on Fridays and Saturdays and 6:00 a.m. the next day unless such child is accompanied by a parent, guardian, or other adult person having legal custody of such child. This sub-section shall not be construed to prohibit such child from pursuing the duties of his or her employment in any expeditious and orderly manner, from going from places of business or amusement to private homes, or from returning home promptly from authorized school or religious activities.

### **B. Parental Violation**

1. No parent, guardian, or person having legal custody of a child under the age of 18 years, shall suffer or permit such child to violate section (A)(1), above.

### **C. Taking a Child Into Custody**

1. A law enforcement officer who believes, on reasonable grounds, that a child is violating this section, may take the child into custody. Children taken into custody shall be released as soon as reasonably possible. A law enforcement officer taking a child into custody shall make every effort immediately to release the child to the child's parent, guardian, or legal custodian or, if the parent, guardian, or legal custodian is unavailable, unwilling or unable to provide supervision for the child, may release the child to a responsible adult, and verbally counsel or warn as may be appropriate. The parent, guardian, or legal custodian or other responsible adult to whom the child is released shall sign a statement acknowledging receipt of the child and responsibility for the child's supervision. If the

child is not released under this sub-section, the law enforcement officer shall deliver the child to the Waupaca County Juvenile Court Intake. All further proceedings concerning the child may comply with Chapter 48, Wisconsin Statutes – Children’s Code.

**9.16 OFFENSES BY PERSONS OF SCHOOL AGE**

It shall be unlawful for any person enrolled as a student, in any public or parochial school, to violate any school rule, a violation of which could result in suspension or expulsion from school.

**9.17 FIREARMS**

- A. No person shall go armed with a firearm in any building owned or leased by the State or political subdivision on the state.
- B. No person shall go armed with a firearm in any privately owned building, open to the public, without the consent of the owner or owner’s agent. “Privately owned building, open to the public” shall include, but not be limited to, taverns, restaurants, or other public buildings of accommodation or amusement.
- C. This ordinance does not apply to peace officers or armed forces or military personnel who go armed in the line of duty or to any person duly authorized by the Sheriff to possess a firearm.
- D. A peace officer enforcing this ordinance may take the firearm in question and deliver it to the court designated in the citation issued to the defendant.
- E. Upon conviction, a defendant may be subject to a forfeiture not to exceed \$200.00.

**9.18 CARRY INS PROHIBITED AT POSTED COUNTY EVENTS**

- A. No carry person may carry in any bottle, can or other receptacle containing alcohol beverages onto posted County property or any posted County event.
- B. **Unauthorized Possession of Alcohol Beverages Prohibited**  
No person may possess any bottle, can or other receptacle containing alcohol beverages on posted County Property or at any posted County event, unless the alcohol beverage is obtained from a vendor or other person authorized by Waupaca County to dispense alcohol beverages.
- C. **Definitions**
  - 1. **Alcoholic Beverages** – means fermented malt beverages and intoxicating liquor.

2. **County Property** – means all lands, structures and property owned, under easement, lease or administered by Waupaca County or any other land under the management, supervision of Waupaca County.
3. **County Event** – means any fair, social event, activity, or gathering open to the public.
4. **Posted** – means that a sign at least 11” square must be placed in at least two conspicuous places advising the public of the ban on carry ins. The sign must carry an appropriate notice such as “No Alcohol Beverage Carry Ins.” Any committee of the County Board (or an employee authorized by that committee to act on its behalf) may post County property or a County event banning the carrying in of alcohol beverages. The name of the committee or authorized person posting the County property or a County event shall appear on the sign.

**C. Penalty**

Any person violating the provisions of this ordinance shall be subject to a forfeiture as provided in Section 25.04 of the General Code of Waupaca County. The schedule of deposit permitted for violation of this section shall be a \$75.00 forfeiture, \$9.00 penalty assessment and \$9.00 court costs for a total of \$93.00.

**9.20 PENALTIES**

**1. Enforcement**

- A. The provisions of this chapter shall be enforced pursuant to Sec. 25.04 of the General Code and any violations shall be subject to the penalties therein.
- B. **Additional Penalties.** In addition to the penalties created above, any person who violates (2), (25), (26), and (31) shall also be liable for any damages resulting from the conduct giving rise to the citation.

Supr. Craig moved and Supr. Kussmann seconded the motion to adopt Chapter 9 of the Waupaca County Code of Ordinances. Motion carried 22-0. Passed this 17<sup>th</sup> day of February, 2004.



**AMEND CHAPTER 2, THE GOVERNING BODY  
WAUPACA COUNTY CODE OF ORDINANCES**

**Rule No. 1 – Time & Place of Meeting**

Election of Officers:

A. County Board Chair and Vice Chair: The County Board Chair and Vice Chair are elected at the Organizational Meeting. This election can be made by secret ballot per Sec. 19.88, Wis. Stats. By request. Nominations are taken from the floor, no second is required. When a ballot is needed, a single ballot is prepared with the candidates' names listed in alphabetical order.

B. The candidate with the majority number of votes shall be declared elected. In the case where there are more than two candidates, the two candidates receiving the highest number of votes shall continue and the candidate with the lower number of votes shall be removed from the ballot. The voting continues until a winner is declared by majority of the votes cast. When there are only two candidates on the ballot and there is a tie vote, the Board shall vote once more, if the result remains a tie, the presiding chair shall draw a name and declare this candidate elected. The County Clerk's deputies shall serve as tellers to the Board for elections.

C. Highway Committee is a five-member committee elected from the floor. The candidate with the majority number of votes shall be declared elected. In the case where there are more than two candidates, the two candidates receiving the highest number of votes shall continue and the candidates with the lower number of votes shall be removed from the ballot. The voting continues until a winner is declared by majority of the votes cast. When there are only two candidates on the ballot and there is a tie vote, the Board shall vote once more, if the result remains a tie, the presiding chair shall draw a name and declare this candidate elected. The County Clerk's deputies shall serve as tellers to the Board for elections.

D. The ballots shall be destroyed by the Clerk thirty (30) days after the election.

**Rule No. 1 – Time & Place of Meeting**

**Section 1.4** Annual Meeting: Waupaca County Board shall hold their Annual Meeting on the third Tuesday in November. This meeting shall be the Public Hearing on the Budget for the succeeding year and the 85.21 Transportation Fund. This date may be changed by a majority vote of the County Board of Supervisors.

**Rule No. 2.05 – Waupaca County Ethics Code, Subsection H – Conflict of Interest**

Contracting. An official or employee or a business in which an official or employee holds a 10% or greater interest, may not enter into a contract with the county involving a payment or payments of more than \$2,000.00 within a twelve-month period unless the official or employee has made a written disclosure of the nature and extent of such relationship or interest to the

County Clerk and reported such interest to the County Board. Further, pursuant to Sec. 946.13, Wis. Stats., an official or employee is prohibited from participating in the formation of a contract(s) with Waupaca County involving the receipts or disbursements of more than \$15,000.00 in any year.

I. Compliance with State Statutes

A. Statutes Incorporated by Reference. The following Sections of the Wisconsin Statutes are hereby incorporated by reference and made a part of this Code of Ethics:

1. Sec. 19.01 - Oaths and Bonds
2. Sec. 19.21 - Custody and Delivery of Official Property and Records
3. Sec. 19.81-89 - Open Meetings of Governmental Bodies
4. Sec. 19.59 - Code of Ethics for Local Government Officials, Employees and Candidates
5. Sec. 111.36 - Sex, Sexual Orientation (Harassment)
6. Sec. 946.13 – Private Interest in public contract prohibited

Supr. Lawrence moved and Supr. Sasse seconded the motion to adopt the amendment to Chapter 2, The Governing Body, Waupaca County Code of Ordinances. Motion carried 22-0. Passed this 17<sup>th</sup> day of February, 2004.

**AMEND CHAPTER 34, WAUPACA COUNTY CODE OF ORDINANCES  
WAUPACA COUNTY ZONING ORDINANCE**

**The Waupaca County Board of Supervisors does hereby ordain and enact the following amendment to the Waupaca County Zoning Ordinance, Chapter 34:**

**1.06 DEFINITIONS OF WORDS OR PHRASES**

82) **Temporary or Temporary Use:** Any period of time or use not to exceed thirty (30) days during the calendar year.

**2.12 ACCESSORY USES AND STRUCTURES**

Accessory building, structures and uses shall be compatible with the principal uses on a parcel. An accessory structure may be placed on a parcel prior to a principal structure if approved by the Zoning Administrator or designee, and if the following conditions are met:

1. No human habitation shall be allowed in this structure.
2. No commercial use shall be allowed in this structure.
3. No sanitary facilities shall be allowed in this structure.
4. Must be according to the site plan and meet all the required setbacks.
5. Provided all other sections of this ordinance are met.

1) Location: No accessory building or structure shall be erected or altered or removed to a location within the required setback area of a front or side yard. An accessory building, structure or use in a rear yard shall not be less than seven and one-half feet from any property line, except that on a corner lot, a reversed corner lot or a through lot, such accessory building, structure or use shall be set back from the property line adjoining a street the distance required for a front yard, unless otherwise required herein for a specific permitted or conditional use.

#### **9.06 CONDITIONAL USES (GENERAL AGRICULTURE)**

9) Mini-Storage Units

(Note: “This list is not necessarily complete and any similar use may be granted upon issuance of a conditional use permit by the Planning Committee” will become number 10.)

#### **21.12 MANUFACTURED HOMES, MOBILE HOMES AND PARKS**

2)b)4) Recreational Vehicles

The parking of only one travel trailer in an accessory private garage or building, or in a driveway of an existing residential unit, is permitted, provided no living quarters shall be maintained in excess of 30 days during the calendar year, and further provided no business is conducted there. The parking of a travel trailer either occupied or unoccupied, on a vacant parcel in excess of 30 days during the calendar year, will require a conditional use permit.

#### **23.02 GENERAL SIGN PROVISIONS**

7) Signs must also comply with any provision under Section 84.30 Wisconsin Statutes and any town or other local ordinance where said ordinances are more restrictive.

#### **23.03 SIGNS ON STATE CONTROLLED ROADS**

The intent of this ordinance is to recognize state control of signs along certain state and federal highways and to defer to state enforcement and administration thereof, with certain regulations being supplemental with the exception that off premises signs shall be allowed as long as the sign is a distance of 1,000 feet from any other off premises sign located on the same side of the highway.

#### **27.06 ENFORCEMENT**

4)c)3) As a substitute for an addition to forfeiture actions, the Corporation Counsel may, on behalf of the County, seek enforcement of any and all parts of this ordinance by court actions seeking injunctive orders or restraining orders, or remedies may be sought under the County Citations Ordinance.

## **EFFECTIVE DATE**

Upon adoption of the County Board of Supervisors, the amendment will be in full force and effect within Waupaca County and each Town as provided in Sec. 59.69(5)e, Wis. Stats.

Supr. Hurlbut moved and Supr. Kussmann seconded the motion to adopt the amendments to the Waupaca County Code of Ordinances, Chapter 34 Waupaca County Zoning Ordinance, as amended. Motion carried 22-0. Passed this 17<sup>th</sup> day of February, 2004.

Supr. Hurlbut moved and Supr. Kussmann seconded the motion to amend the main motion to remove Section 1.06(57) from the amendment. Motion carried 22-0. Passed this 17<sup>th</sup> day of February, 2004.

## **AMEND CHAPTER 36, WAUPACA COUNTY CODE OF ORDINANCES WAUPACA COUNTY FLOODPLAIN ORDINANCE**

**The Waupaca County Board of Supervisors does hereby ordain and enact the following amendments to the Waupaca County Floodplain Ordinance, Chapter 36:**

Selected revisions to the Waupaca County Floodplain Ordinance to comply with the requirements of the Wisconsin Administrative Rule NR116 and the FEMA requirements.

### **1.3 STATEMENT OF PURPOSE**

This ordinance is intended to regulate floodplain development to:

- (1) Protect life, health and property;
- (2) Minimize expenditures of public funds for flood control projects;
- (3) Minimize rescue and relief efforts undertaken at the expense of the taxpayers;
- (4) Minimize business interruptions and other economic disruptions;
- (5) Minimize damage to public facilities in the floodplain;
- (6) Minimize the occurrence of future flood blight areas in the floodplain;
- (7) Discourage the victimization of unwary land and homebuyers;
- (8) Prevent increases in flood heights that could increase flood damage and result in conflicts between property owners; and
- (9) Discourage development in a floodplain if there is any practicable alternative to locate the activity, use or structure outside of the floodplain.

## 1.5 GENERAL PROVISIONS

### (1) AREAS TO BE REGULATED

This ordinance regulates all areas that would be covered by the regional flood or base flood.

**Note:** Base flood elevations are derived from the flood profiles in the Flood Insurance Study. Regional flood elevations may be derived from other studies. Areas covered by the base flood are identified as A-Zones on the Flood Insurance Rate Map.

### (2) OFFICIAL MAPS & REVISIONS

The boundaries of all floodplain districts are designated as floodplains or A-Zones on the maps listed below and the revisions in the Waupaca County Floodplain Appendix. Any change to the base flood elevations (BFE) in the Flood Insurance Study (FIS) or on the Flood Insurance Rate Map (FIRM) must be reviewed and approved by the DNR and FEMA before it is effective. No changes to regional flood elevations (RFE's) on non-FEMA maps shall be effective until approved by the DNR. These maps and revisions are on file in the office of the (municipal office), (municipality name). If more than one map or revision is referenced, the most current approved information shall apply.

OFFICIAL MAPS : Based on the FIS

- A. Flood Insurance Rate Map (FIRM), panel numbers 550492 0005-0220, dated January 2, 1987, with corresponding profiles that are based on the Flood Insurance Study (FIS).
- B. Flood Boundary and Floodway Maps (FBFW), panel numbers 550492 0001-0045, dated August 15, 1977.
- C. Flood Boundary and Floodway Maps (FBFW), panel numbers 550492 0140, dated August 10, 1979.
- D. Changes to the Floodlimits, Wolf River Area (New London to Fremont) by DNR, map numbers 1-21, dated February 1984, with corresponding profiles that are used on the Flood Insurance Study (FIS).
- E. Changes to the Floodlimits, Wolf River Area (Fremont to Winnebago County Line) by DNR, map numbers 1-21, dated June 30, 1989.

### (12) ANNEXED AREAS FOR CITIES AND VILLAGES

The Waupaca County floodplain zoning provisions in effect on the date of annexation shall remain in effect and shall be enforced by the municipality for all annexed areas until the municipality adopts and enforces an ordinance which meets

the requirements of ch. NR 116, Wis. Adm. Code and the National Flood Insurance Program (NFIP). These annexed lands are described on the municipality's official zoning map. County floodplain zoning provisions are incorporated by reference for the purpose of administering this section and are on file in the office of the municipal zoning administrator.

**(13) GENERAL DEVELOPMENT STANDARDS**

The community shall review all permit applications to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is in a flood-prone area, all new construction and substantial improvements shall be designed or modified and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads; be constructed with materials resistant to flood damage; be constructed by methods and practices that minimize flood damages; and be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

**2.4 PUBLIC OR PRIVATE CAMPGROUNDS**

Public or private campgrounds shall have a low flood damage potential and shall meet the following provisions:

- (1) The campground is approved by the Department of Health and Family Services.
- (2) A land use permit for the campground is issued by the zoning administrator.
- (3) The character of the river system and the elevation of the campground is such that a 72-hour warning of an impending flood can be given to all campground occupants.
- (4) There is an adequate flood warning procedure for the campground that offers the minimum notice required under this section to all persons in the campground. This procedure shall include a written agreement between the campground owner, the municipal emergency government coordinator and the chief law enforcement official which specifies the flood elevation at which evacuation shall occur, personnel responsible for monitoring flood elevations, types of warning systems to be used and the procedures for notifying at-risk parties, and the methods and personnel responsible for conducting the evacuation.
- (5) This agreement shall be for no more than one calendar year, at which time the agreement shall be reviewed and updated - by the officials identified in sub. (4) - to remain in compliance with all applicable regulations, including those of the state department of health and family services and all other applicable regulations.
- (6) Only easily removable tents and mobile recreational vehicles are allowed.
- (7) The camping units may not occupy any site in the campground for more than 180 consecutive days, at which time the camping unit must be removed from the floodplain for a minimum of 24 hours.
- (8) All camping units that remain on site for more than 30 days shall be issued a limited authorization by the campground operator, a written copy of which is kept on file at

the campground. Such authorization shall allow placement of a camping unit for a period not to exceed 180 days and shall ensure compliance with all the provisions of this section.

- (9) The municipality shall monitor the limited authorizations issued by the campground operator to assure compliance with the terms of this section.
- (10) All structures that do not meet the definition of a camping unit or mobile recreational vehicle, or that remain in place for more than 180 consecutive days, must meet the applicable requirements in either s. 3.0 or s. 4.0 for the floodplain district in which the structure is located.
- (11) The campground shall have signs clearly posted at all entrances warning of the flood hazard and the procedures for evacuation when a flood warning is issued.
- (12) All service facilities, including but not limited to refuse collection, electrical service, natural gas lines, propane tanks, sewage systems and wells shall be properly anchored and placed at or floodproofed to the flood protection elevation.

#### (12) MANUFACTURED HOMES

- (a) Owners or operators of all manufactured home parks and subdivisions shall provide adequate surface drainage to minimize flood damage, and prepare, secure approval and file an evacuation plan, indicating vehicular access and escape routes, with local emergency management authorities.
- (b) In existing manufactured home parks, all new homes, replacement homes on existing pads, and substantially improved homes shall:
  - 1. have the lowest floor elevated to the flood protection elevation; and
  - 2. be anchored so they do not float, collapse or move laterally during a flood.
- (b) Outside of existing manufactured home parks, including new manufactured home parks and all single units outside of existing parks, all new, replacement and substantially improved manufactured homes shall meet the residential development standards for the floodfringe in s. 4.3(2).

#### (13) MOBILE RECREATIONAL VEHICLES

All mobile recreational vehicles that are on site for 180 consecutive days or more or are not fully licensed and ready for highway use shall meet the elevation and anchoring requirements in s. 4.3 (12)(b) and (c). A mobile recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect utilities and security devices and has no permanently attached additions.

- (c) 1. Except as provided in sub. (2), if any nonconforming structure or any structure with a nonconforming use is destroyed or is substantially damaged, it

cannot be replaced, reconstructed or rebuilt unless the use and the structure meet the ordinance requirements.

2. For nonconforming buildings that are damaged or destroyed by a nonflood disaster, the repair or reconstruction of any such nonconforming building may be permitted in order to restore it after the nonflood disaster, provided that the nonconforming building will meet all of the minimum requirements under 42 USC 4001 to 4129, or under the regulations promulgated thereunder.

(d) A nonconforming historic structure may be altered if the alteration will not preclude the structures continued designation as a historic structure, the alteration will comply with s. 3.3 (1), flood resistant materials are used, and construction practices and floodproofing methods that comply with s. 7.5 are used.

(e)

## 10.0 DEFINITIONS

- 1) "BASE FLOOD" - Means the flood having a one percent chance of being equalled or exceeded in any given year, as published by FEMA as part of a FIS and depicted on a FIRM.
- 2) "BASEMENT" - Any enclosed area of a building having its floor subgrade, i.e., below ground level, on all sides.
- 3) "CAMPING UNIT" - Any portable device, no more than 400 square feet in area, used as a temporary shelter, including but not limited to a camping trailer, motor home, bus, van, pick-up truck or tent.
- 4) "CRAWLWAYS" OR "CRAWL SPACE" - An enclosed area below the first usable floor of a building, generally less than five (5) feet in height, used for limited access to plumbing and electrical utilities.
- 5) "EXPANSION TO EXISTING MOBILE/MANUFACTURED HOME PARK" - The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed. This includes installation of utilities, construction of streets and either final site grading, or the pouring of concrete pads.
- 6) "FLOOD INSURANCE RATE MAP" (FIRM) - A map of a community on which the Federal Insurance Administration has delineated both special flood hazard areas (the floodplain) and the risk premium zones applicable to the community. This map can only be amended by the Federal Emergency Management Agency.
- 7) "HISTORIC STRUCTURE" - Any structure that is:
  - a. Listed individually in the National Register of Historic Places or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register.



b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district.

c. Individually listed on a state inventory of historic places in states with historic preservation programs that have been approved by the Secretary of the Interior.

d. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program, as determined by the Secretary of the Interior; or by the Secretary of the Interior in states without approved programs.

8) "MOBILE RECREATIONAL VEHICLE" - A vehicle which is built on a single chassis, 400 square feet or less when measured at the largest horizontal projection, designed to be self-propelled, carried or permanently towable by a licensed, light-duty vehicle, is licensed for highway use if registration is required and is designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel or seasonal use.

9) "NEW CONSTRUCTION" - For floodplain management purposes, "new construction" means structures for which the start of construction commenced on or after the effective date of floodplain zoning regulations adopted by this community and includes any subsequent improvements to such structures. For the purpose of determining flood insurance rates, it includes any structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures.

10) "PERSON" - An individual, or group of individuals, corporation, partnership, association, municipality or state agency.

11) "REASONABLY SAFE FROM FLOODING" - Means base flood waters will not inundate the land or damage structures to be removed from the special flood hazard area and that any subsurface waters related to the base flood will not damage existing or proposed buildings.

12) "START OF CONSTRUCTION" - The date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond initial excavation, or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling, nor does it include the installation of streets and/or walkways, nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms, nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For an alteration, the actual start of

construction means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

- 13) "SUBSTANTIAL DAMAGE" - Damage of any origin sustained by a structure, whereby the cost of restoring the structure to its pre-damaged condition would equal or exceed 50 percent of the equalized assessed value of the structure before the damage occurred.
- 14) "VIOLATION" - The failure of a structure or other development to be fully compliant with the floodplain zoning ordinance. A structure or other development without required permits, lowest floor elevation documentation, floodproofing certificates or required floodway encroachment calculations is presumed to be in violation until such time as that documentation is provided.

Supr. Hurlbut moved and Supr. Sorensen seconded the motion to adopt the amendments to Ordinance 36 of the Waupaca County Code of Ordinances. Motion carried 22-0. Passed this 17<sup>th</sup> day of February, 2004.

**DENIAL OF ZONING AMENDMENT**  
**Town of Lebanon**  
**ZA-1-04**

The Waupaca County Zoning Committee, having considered the petition No. ZA-1-04 on the 15<sup>th</sup> day of January, 2004 by **Frank & Mirga A. Matuszny** from an A-G (General Agriculture) zone to a C-G (General Commercial) zone with a Conditional Use Permit application for used car sales and service.

The following described lands: Located in part of the SE ¼ of the SE ¼ of Sec. 32, Town of Lebanon, lying along Larry Road, Fire Number N-4979, Waupaca County, Wisconsin. Approximately 5 acres.

Having held public hearings thereon, pursuant to Section 59.97(5)(e) Wisconsin Statutes, notice thereof having been given as provided by law, and being duly informed of the facts pertinent to the changes proposed, and duly advised of the wishes of the people in the area affected, hereby recommends as follows:

Based on the facts and evidence presented, the Committee's decision was to **DENY** the Petition for Zoning Map Amendment, but to **GRANT** the Conditional Use Permit for the uses listed above due to the following:

The Town Board of Lebanon was in opposition to the Petition for Zoning Map Amendment but was in favor of the Conditional Use Permit.

With the following conditions:

1. There shall be a maximum of four (4) vehicles parked outside at any one time, not including personal vehicles.
2. There shall be no partial cars or car parts at any time displayed or visible from the road.

3. This Conditional Use Permit shall be issued only to the applicant, once the property changes ownership this permit will be void.
4. There shall be a one (1) year review of the operation by the Zoning Committee, review to be held by January 15, 2005.

Dated this 15<sup>th</sup> day of January, 2004.  
Waupaca County Zoning Committee  
By: /s/ John F. Penney, Chairman

Supr. Fleese moved and Supr. Kussmann seconded the motion to approval the Denial to Zoning Amendment ZA-1-04. Motion carried 22-0. Passed this 17<sup>th</sup> day of February, 2004.

**AMENDMENT TO CHAPTER 34  
Town of Farmington, RS-20 to C-G  
ZA-2-04**

The Waupaca County Zoning Committee, having considered the petition No. ZA-2-04 on the 15<sup>th</sup> day of January, 2004 by **Brian E. Koch & Amy M. Reiter** from an RS-20 (Residential Single-Family, 20,000 Sq. Ft. Lot Minimum) zone to a C-G (General Commercial) zone with a Conditional Use Permit application for a real estate office.

The following described lands: Located in part of the SW ¼ of the SE ¼ and part of the SE ¼ of the SE ¼ of Sec. 26, Town of Farmington, lying along County Highway “QQ”, Fire Number N-2919, Waupaca County, Wisconsin. Approximately .93 acres.

Having held public hearings thereon, pursuant to Section 59.97(5)(e) Wisconsin Statutes, notice thereof having been given as provided by law, and being duly informed of the facts pertinent to the changes proposed, and duly advised of the wishes of the people in the area affected, hereby recommends as follows:

Based on the facts and evidence presented, the Committee’s decision was to **DENY** the Petition for Zoning Map Amendment, but to **GRANT** the Conditional Use Permit for the real estate office due to the following:

The Town Board of Farmington was in opposition to the Petition for Zoning Map Amendment but was in favor of the Conditional Use Permit.

Dated this 15<sup>th</sup> day of January, 2004.  
Waupaca County Zoning Committee  
By: /s/ John F. Penney, Chairman

Supr. Fabricius moved and Supr. Trudell seconded the motion to approval the Denial to Zoning Amendment ZA-2-04. Motion carried 22-0. Passed this 17<sup>th</sup> day of February, 2004.

## **APPOINTMENTS**

Supr. Fleese moved and Supr. Lawrence seconded the motion to appoint Bob Cloud as Media Representative to the Local Emergency Planning Committee. Motion carried 22-0. Passed this 17<sup>th</sup> day of February, 2004.

Supr. Mares moved and Supr. Steenbock seconded the motion to approve the Emergency Fire Wardens List. Motion carried 22-0. Passed this 17<sup>th</sup> day of February, 2004.

## **ANNOUNCEMENTS AND CORRESPONDENCE**

Chairman Brown placed the following correspondence for February on file in the County Clerk's Office: Waupaca County Economic Development Report for January, Aegis Corporation Deductible Fund Credit to be paid in September, Wisconsin County Mutual Insurance Corporation, Mr. Lee Horne, the Wal-Mart Super Center.

Supr. Lawrence moved and Supr. Aasen seconded the motion to adjourn. Motion carried 22-0. Chair Brown declared the meeting adjourned at 10:52 a.m.