

CHAPTER 43

MISCELLANEOUS PROVISIONS

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43.02 Cut-off reception time for the filing and recording of documents with the register of deeds office. Pursuant to Wis. Stat. § 59.20(3), a provision is hereby made that the cut-off reception time for the filing and recording of documents with the Sauk County Register of Deeds shall be one-half hour prior to the close of the official business day during which time the Sauk County Register of Deeds Office is open to the public, in order to complete the processing, recording, and indexing to conform to the day of reception.

43.03 Tax deeded lands. This ordinance is enacted under the authority of Wis. Stat. chs. 74 and 75. **(1) PURPOSES AND STATEMENT OF POLICY.** (a) To establish a procedure for the sale of Sauk County real property obtained by tax deed.

(b) To empower the county treasurer, county clerk and property and insurance committee to acquire, manage and dispose of tax deeded lands so as to realize as much revenue as circumstances permit.

(2) DEFINITIONS. The following terms as used in this section shall have the meanings indicated as follows:

(a) "Board" means the Sauk County Board of Supervisors.

(b) "Clerk" means Sauk County Clerk.

(c) "Committee" means the Property and Insurance Committee of the Sauk County Board of Supervisors.

(d) "Former owner" means any person, persons, or business entity last holding title to lands which have been taken by tax deed; and includes the heirs, successors, assigns, and personal representative of the estate of any such person or entity.

(e) "Tax deeded lands" means lands which have been acquired by Sauk County through the process of collecting delinquent real estate taxes by tax deed, foreclosure of tax certificates, deed in lieu of tax deed or other real estate tax collection means.

(f) "Treasurer" means Sauk County Treasurer.

(3) ADMINISTRATION AND OVERSIGHT RESPONSIBILITIES. (a) The treasurer and county clerk shall administer this ordinance in accordance with its provisions.

(b) The committee shall oversee the administration of this ordinance.

(4) LANDS EXEMPT FROM APPLICATION OF THIS ORDINANCE. Lands which subsequent to acquisition have been improved for or dedicated to a public use by Sauk County in accord with Wis. Stat. §§ 59.04 and 59.06, shall not be treated as tax deeded lands and shall not be disposed of under the procedures of this section. Such lands shall be disposed of only as the board shall from time to time direct.

(5) ISSUANCE OF TAX DEEDS. (a) The treasurer shall take all necessary steps, including the giving of notice pursuant to Wis. Stat. § 75.12, to owners of record, occupants, or mortgagees of record. This shall be done prior to the issuance of tax deeds to Sauk County on all property on which Sauk County holds delinquent tax sales certificates which are eligible for and subject to the taking of tax deeds. The treasurer shall safeguard the interests of Sauk County in the taking of tax deeds.

(b) The treasurer, after notice to the committee, shall refer to the corporation counsel those acquisitions which, pursuant to Wis. Stat. § 75.39, the treasurer deems it necessary to bar former owners from all right, title, interest or claim in such lands.

(c) Title to property which is subject to a lien or liens for special assessments under Wis. Stat. §§ 66.54, 66.60, 66.604 and 75.365., shall be taken as tax deeded lands subject to special authorization from the committee.

(d) The county shall not be required to pay any outstanding special assessment nor special charge due on property, acquired by the county by tax deed, pursuant to Wis. Stat. § 75.36. During the period that the county is the owner of lands so acquired it shall not be subject to any restrictions or covenants running with the land which require an owner to expend any money to keep the premises in sanitary or slightly condition or to contribute to the cost of maintaining private roads or to abate nuisances or undesirable conditions per Wis. Stat. § 75.14(4). Such restrictions and covenants shall be applicable to any subsequent purchaser of the property.

(6) PREFERENCE TO FORMER OWNER TO REPURCHASE LAND. (a) The Sauk County Board may, at its option and by resolution, authorize the committee to convey tax deeded lands to a former owner who lost title to real property through delinquent tax collection enforcement procedures, pursuant to the authority contained in Wis. Stat. § 75.35(3). The committee is further authorized, but not required, to give such former owners first option to purchase said lands. This section shall in no manner create any right of first refusal in any former owner.

(b) Any sale made to a former owner pursuant to this section shall be exempt from the operation of Wis. Stat. § 75.69., but no such sale

shall be approved by and authorized by the committee or board unless, as a minimum, the former owners pay to the county all real estate taxes, including special assessments, special charges and special taxes, then due and owing together with the interest and penalty thereon, plus a service fee on such transaction equal to ½ percent (.005%) of the equalized value of the tax deeded lands. In any event, the service fee shall be not less than \$50.00. Such sale shall be considered a redemption of the property from the tax lien, and shall result in the cancellation of the tax deed. A recordable certificate of such shall be issued by the county clerk, upon request by the former owner, in accordance with Wis. Stat. § 75.23.

(c) Consideration under this section shall be given only to those former owners who request the same, prior to the time the sale and appraised value of the lands involved have been advertised by publication, in accordance with Wis. Stat. § 75.69. If the former owners do not make payment to the county within 30 days of the time such sale is authorized by the committee, the committee may, at its option, proceed to sell the lands involved in accordance with Wis. Stat. § 75.69, to the highest or most advantageous bidder thereon.

(d) Failure to give notice to the proper party as former owner shall not create a right in any person or persons to redeem tax deeded lands. In any event, no former owner shall have any privilege of redemption of tax deeded lands after 6 months of the date the board first takes title to the property, if unsold, or upon sale to a subsequent purchaser of the property.

(e) This section shall not apply to tax deeded lands which have been improved for or dedicated to a public use by Sauk County, subsequent to acquisition. No sale to the former owner or any other person shall be made of such lands without the express authorization of the board.

(7) APPRAISALS REQUIRED. (a) Where the assessed value of a parcel or of contiguous parcels of tax deeded lands is, or exceeds \$25,000, the committee may obtain a professional appraisal.

(b) If a professional appraisal is not obtained, the committee, acting by a subcommittee of not less than 3 of its members, shall appraise said parcels.

(c) The following shall be considered when preparing an appraisal for tax deeded land:

1. All expenses incurred by the county to obtain marketable title to the property. (Publication, abstract search, certified letters, attorney fees and disbursements, etc.).

2. All amount of unpaid general property taxes, special assessments, special charges and special taxes levied against the property, including interest and penalties thereon, and any withdrawal tax due under Wis. Stat. § 77.84(3).

3. Consideration of the physical condition of the property may be given when appraising land in blighted areas or parcels affected by natural disaster or other extenuating circumstances.

(8) SALE OF TAX DEEDED LANDS TO THE STATE OR A MUNICIPALITY. The committee may offer tax deeded land to the municipality within which the parcel is located or to the State of Wisconsin before offering the same to the public.

(9) PUBLIC ADVERTISEMENT OF SALE OF TAX DEEDED LAND. (a) The county clerk shall publish a class 3 notice of the sale of tax deeded lands in accordance with Wis. Stat. § 75.69, along with instructions for submission of sealed bids.

(b) A parcel once advertised for sale, but not sold on the first date of the sale, need not be advertised again.

(10) SALE OF TAX DEEDED LANDS. (a) On the date specified in the notice, the committee will accept bids and will sell each parcel to the highest or most advantageous bidder whose unconditional bid is equal to or exceeds the advertised appraised value of the parcel. No more than one bid may be submitted per parcel by any bidder.

(b) Unconditional offers shall be given preference over conditional offers. Offers that contain conditions, including financing contingencies of a duration of more than 30 days, shall be considered and reviewed by the committee.

(c) Upon receipt of payment in full by the successful bidder, a resolution shall be presented to the Sauk County Board requesting approval of such sale. If the Sauk County Board rejects the sale to that bidder, all funds submitted for such purchase excepting a service fee of \$50.00 shall be returned to that bidder.

(d) If a parcel is not sold by bid on the first date offered for sale, the committee may sell the parcel at anytime thereafter to any person making an offer at or exceeding the appraised value of the property.

(e) The committee may engage the services of a licensed real estate broker to sell those parcels not sold on the first date available for sale. The committee shall pay a commission, not to exceed 6% of the sale price, for any sale arranged by the broker retained by the committee. The retention of a broker shall not affect the ability of the committee to sell the parcel directly, without incurring an obligation to pay brokerage fees when a sale is arranged without the involvement of the broker.

43.04 County sales and use tax. (1) AUTHORITY AND PURPOSE. This ordinance is enacted on the authority of Wis. Stat. subch. V of ch. 77 and the county sales and use taxes imposed herein shall be used for the purpose of reducing the property tax levy by 1) paying the debt service on any bond or note issuance, 2) paying for designated capital projects, and 3) any remainder revenues to further offset the levy. All monies collected from the sales and use tax shall be maintained in a separate revenue account.

(2) IMPOSITION OF TAX. There is hereby imposed a Sauk County sales and use tax at a rate of 0.5% in the manner and to the extent permitted as set forth in Wis. Stat. subch. V of ch. 77 which are incorporated herein and acts amendatory thereto.

(3) EFFECTIVE DATE. This ordinance shall become effective April 1, 1992, and a certified copy of this ordinance shall be delivered to the Secretary of Revenue of the State of Wisconsin at P.O. box 8933, Madison, WI 53708, at least 120 days prior to the effective date.

43.05 Imposing Penalty on Delinquent Real Estate Taxes and Special Assessments and Charges. (1) AUTHORITY. This ordinance is adopted pursuant to the authority of Wis. Stat. § 74.47(2).

(2) IMPOSITION OF PENALTY. There is hereby imposed a penalty of 0.5 percent per month or fraction of a month, in addition to the interest provided for in Wis. Stat. § 74.47(1), on all general property taxes, special charges, special

assessments and special taxes that are overdue or delinquent on and after the effective date of this ordinance.

(3) EFFECTIVE DATE. This ordinance shall become effective September 1, 1993.

43.06 Assessing Service Fee on Worthless Checks and Processing Overpayments Received by the county.

(1) Authority and Purpose. This ordinance is enacted on the authority of Wis. Stat. § 59.54(24) which authorizes a county to enact and enforce an ordinance which imposes charges on persons who issue worthless checks, and permit a county office to retain payments of fees, licenses and similar charges and waive underpayments.

(2) SERVICE FEE ON WORTHLESS CHECKS. If a check tendered to make any payment of any fee, tax or other charge legally imposed by any office, official, employee or officer acting on behalf of Sauk County, is not paid by the bank on which it is drawn, or if a demand for payment under a debit of credit card transaction or other instrument is not paid by the bank upon which demand is made, the person, firm corporation, or other organization shall remain liable for the payment of the amount for which the check was tendered or the amount agreed to be paid by debit or credit card or other instrument, and for a charge of \$30.00. The levying of this charge shall not preclude the issuing person, firm, corporation or other organization from being subject to any other civil or criminal proceeding or penalty authorized by law.

(3) OVERPAYMENT AND UNDERPAYMENT OF FEES. Unless otherwise provided by law, the county may retain overpayments of fees, licenses and similar charges when the overpayment is \$2.00 or less, unless such refund is specifically requested in writing. Underpayments of not more than \$2.00 may be waived when the administrative cost of collecting would exceed the amount of the underpayment.

43.07 Child Support Agency Fees. (1) The Sauk County Child Support Agency shall charge the following fees for the below described services.

(a) Account reconciliation with certification of arrears in NIVD cases: \$35 for each year requested.

(b) Printed payment history in all cases: \$35 for each request.

(c) Certified copy of payment history in NIVD cases: \$35 for each year certified.

(d) Sending income withholding order in NIVD cases: \$35 for each order sent.

(e) Credit account for direct payments in NIVD cases: \$35 for each request.

(2) These fees shall be effective on January 1, 2012.

43.08 County clerk fees. (1) The county clerk shall charge the following fees for the below described services.

(a) Marriage license or domestic partnership agreement: \$80.00.

(b) Waiver fee for expedited marriage license or domestic partnership agreement: \$10.00, subject to increase to \$25.00 by administrative action of the county clerk pursuant to changes in the state statute.

(2) These fees shall be effective on January 1, 2013.

43.09 County coroner fees. Pursuant to Wis. Stat. § 59.36, the Sauk County Coroner is authorized to charge the following fee:

(1) The county coroner shall charge a fee of \$125.00 for services rendered in connection with issuing cremation certificates.

(2) The fee listed in sub. (1) shall not be charged to individual persons residing in Sauk County.

(3) EFFECTIVE DATE. This ordinance shall take effect on January 1, 2013.

43.11 University of Wisconsin Baraboo-Sauk County - operation of motor vehicles on campus.

(1) The City of Baraboo and the County of Sauk being the co-owners of the University of Wisconsin Baraboo-Sauk County Campus desire to protect the campus from property damage caused by the unauthorized use of motor vehicles thereon and have determined to adopt an ordinance to prohibit such use.

(2) It is unlawful for any person to operate any motor vehicle, including but not limited to trailbike, motorcycle, moped, motor-driven bicycle, motor-driven cycle, minibike, go-kart, or all-terrain vehicle or any motor-driven sled, motor-driven toboggan, snowmobile, or

other motor-driven snow vehicle on the lands of the University of Wisconsin Baraboo-Sauk County Campus, jointly owned by the City of Baraboo and County of Sauk, except on designated paved roadways, parking lots, or roadways leading thereto, and then only where the operation of the said vehicle is otherwise permitted by law.

(3) Any person who shall violate any of the provisions of this section shall upon conviction be subject to a forfeiture of not more than \$500.00, provided, however, that in the event that proceedings are commenced against a minor for violations of this ordinance, the provisions of Wis. Stat. §§ 48.17(2) and 48.343, shall be applicable.

(4) This ordinance substantially conforms to an ordinance on the same subject adopted by the City of Baraboo and either this ordinance or the City of Baraboo ordinance may be enforced.

43.12 University of Wisconsin Baraboo/Sauk County - defining and regulating the sale, possession, and use of fireworks. The City of Baraboo and the County of Sauk, being the co-owners of the University of Wisconsin Baraboo-Sauk County Campus, do desire and intend that the provisions of any ordinance enacted by the City of Baraboo to define and regulate the sales, possession, and use of fireworks in the City of Baraboo, in accordance with authority granted to the city by Wis. Stat. § 167.10(5) shall be fully enforceable on the grounds of the campus to the same extent as elsewhere within the limits of the City of Baraboo.

43.13 Smoking or use of tobacco products prohibited on the University of Wisconsin Baraboo/Sauk County property. (1)

DEFINITIONS. For the purposes of this section, certain words and terms are defined as follows:

(a) "Electronic smoking device" means an electronic or battery-operated device that delivers vapor for inhalation. The term includes every variation and type of such devices including electronic cigarettes, electronic cigars, electronic cigarillos, electronic pipes, electronic hookahs, or any other similar product.

(b) "Smoking" means the carrying or holding of a lighted or activated pipe, cigar, cigarette, electronic smoking device, or any other lighted or

activated smoking product or equipment used to burn any tobacco product, weed, plant, or any other combustible substance. Smoking includes emitting or exhaling the fumes or vapor of any pipe, cigar, cigarette, electronic smoking device, or any other lighted smoking equipment used for burning any tobacco product, weed, plant, or any other combustible substance.

(c) "Tobacco products" means any product made or derived from tobacco that is intended for human consumption, including any component, part, or accessory of a tobacco product. This includes, among other products, cigarettes, cigarette tobacco, roll-your-own tobacco, smokeless tobacco, snuff, chewing tobacco, plug or any product derived from the tobacco plant.

(2) There shall be no smoking, use of an electronic smoking device or use of tobacco products upon the property or in any building or structure of the University of Wisconsin Baraboo/Sauk County.

(3) Violations of this section shall be punishable by a fine of not less than \$10.00 nor more than \$50.00.

43.20 Smoking prohibited in Sauk County buildings and within close proximity to building entrances. (1) DEFINITIONS. For the purposes of this section, certain words and terms are defined as follows:

(a) "Electronic smoking device" means an electronic or battery-operated device that delivers vapor for inhalation. The term includes every variation and type of such devices including electronic cigarettes, electronic cigars, electronic cigarillos, electronic pipes, electronic hookahs, or any other similar product.

(b) "Smoking" means the carrying or holding of a lighted or activated pipe, cigar, cigarette, electronic smoking device, or any other lighted or activated smoking product or equipment used to burn any tobacco product, weed, plant, or any other combustible substance. Smoking includes emitting or exhaling the fumes or vapor of any pipe, cigar, cigarette, electronic smoking device, or any other lighted smoking equipment used for burning any tobacco product, weed, plant, or any other combustible substance.

(c) "Tobacco products" means any product made or derived from tobacco that is intended for human consumption, including any component, part, or accessory of a tobacco product. This includes, among other products, cigarettes, cigarette tobacco, roll-your-own tobacco, smokeless tobacco, snuff, chewing tobacco, plug or any product derived from the tobacco plant.

(2) There shall be no smoking allowed in any building owned or leased by Sauk County except that smoking policies for residents of the

Sauk County Health Care Center shall be established by the Sauk County Health Care Center Board of Trustees.

(3) Exposure by nonsmokers to secondhand smoke should be minimized, and therefore, smoking shall be discouraged adjacent to or within 15 feet to a public building entrance. Smokers should be directed to designated outdoor smoking areas.

(4) The property and insurance committee shall designate an outdoor area at the Sauk County Courthouse and the Sauk County West Square Building as a smoking area, shall furnish it appropriately, and clear signage should direct smokers to their location. The sheriff, highway commissioner, and superintendent of the health care center are authorized to establish employee smoking areas that are not closer than 15 feet to any building entrance at the facilities under their supervision. While smoking in outdoor areas is not prohibited, employees and visitors to Sauk County grounds shall be encouraged to smoke in designated areas.

(5) The property and insurance committee is authorized to adopt policies consistent with this section.

43.60 Fair and Open Housing. (1) Sauk County recognizes its responsibilities under Wis. Stat. § 106.50, as amended, and adheres to the policy of fair and open housing for all persons and to the prohibition of discrimination in housing.

(2) Wis. Stat. § 106.50, as amended, is adopted by reference into these ordinances in its entirety as if fully set forth herein.

(3) The officials and employees of Sauk County shall assist in the orderly prevention and removal of all discrimination in housing within the county by implementing the authority and enforcement procedures set forth in Wis. Stat. § 106.50, as amended.

(4) The county clerk shall maintain forms for complaints to be filed under Wis. Stat. § 106.50, as amended, and shall assist any person alleging a violation thereof in Sauk County to file a complaint thereunder by directing the person to the Equal Rights Division of the Wisconsin Department of Work Force Development for enforcement of the statute and this ordinance.

43.65 County surveyor. (1) Sauk County shall designate either an elected or an appointed county surveyor at the discretion of the county board.

(2) The county surveyor is expected to perform the duties prescribed in Wis. Stat. § 59.45(1) and Wis. Stat. § 59.74(2)(b) (i) and (j) and the duties herein prescribed as follows:

(a) Make, personally or by a deputy, a record, in books or on drawings and plats that are kept for that purpose, of all corners that are set and the manner of fixing the corners and of all bearings and the distances of all courses run, of each survey made personally, by deputies, or by other land surveyors and arrange or index the record so it is an easy-to-use reference and file and preserve in the office the original field notes and calculation thereof. Within 60 days after completing any survey, the county surveyor shall make a true and correct copy of the foregoing record in record books or on reproducible papers to be furnished by the county and kept in files in the office of the county surveyor to be provided by the county.

(b) Furnish a copy of any record, plat, or paper in the office to any person on demand and upon payment to the county of the required fees.

(c) Administer to every survey assistant engaged in any survey, before commencing their duties, an oath or affirmation to faithfully and impartially discharge the duties of survey assistant, and the deputies are empowered to administer the same.

(d) Perform duties required of a county surveyor pursuant to Wis. Stat. § 59.74(2)(b). Upon receipt of notice under Wis. Stat. § 59.74(2)(b)1, the county surveyor shall within a period of not to exceed 30 working days make an inspection of the landmark, and, if the county surveyor considers it necessary because of the public interest to erect witness monuments to the landmark, the county surveyor shall erect 4 or more witness monuments or, if within a municipality, may make 2 or more offset marks at places near the landmark where they will not be disturbed. The county surveyor shall make a survey and field notes giving a description of the landmark and the witness monuments or offset marks, stating the material and size of the witness monuments and locating the offset marks, the horizontal distance and courses in terms of the

references set forth in Wis. Stat. § 59.45(1)(a) 2 that the witness monuments bear from the landmark and, also, of each witness monument to all of the other witness monuments. The county surveyor may also make notes as to such other objects, natural or artificial, that will enable anyone to locate the position of the landmark. The county surveyor upon completing the survey shall make a certified copy of the field notes of the survey and record it as provided under Wis. Stat. § 59.45(1).

(e) Establish and perpetuate the records of the corners of the public land survey and check and establish or reference and reestablish at least 5% of all corners originally established in the county by government surveyors, so that every 20 years or less all the original corners will be established or reestablished and thereafter perpetuated.

(f) Coordinate with town, county and state highway departments to ensure preservation and perpetuation of corners during highway construction and ensure that the filings required by Wis. Stat. § 59.74(2)(h) are made.

(g) Create and maintain the following:

1. Paper and digital records and a map of all corner locations and evidence relating thereto.
2. A map of all corners and their status with respect to existing coordinates, tie sheets, bounty requests, and contract remonumentation.

(h) Perform the following duties with regard to plats of survey:

1. Review plats for accuracy and compliance with state law and county ordinance.
2. Coordinate filings with the Sauk County Land Information Officer to ensure that as plats are submitted, they are numbered and scanned into the digital and searchable database and ensure the database is current, accurate, and up to date.

(i) Review certified survey maps for compliance with state law and county ordinance.

(j) Respond to inquiries from land surveyors or members of the public on all matters pertaining to this section or the duties of a county surveyor required by this section or state law.

(k) Maintain regular office hours as provided herein.

(l) Administer a remonumentation bounty program subject to appropriation and

authorization by the Sauk County Board as follows:

1. Establish an annual plan for the remonumentation and perpetuation of corners subject to approval by the Land Information Council and the Conservation, Planning and Zoning Committee.

2. Establish requirements for participation in the remonumentation bounty program and procedures for payment of the bounty.

(m) The compensation of the county surveyor shall be established by resolution of the county board.

(3) The Sauk County Board shall establish by resolution an hourly rate to be paid to the county surveyor by members of the public, the court, or the county for work required pursuant to Wis. Stat. § 59.45(1)(a)1 and such other amounts required for the operation of the office of county surveyor. Reimbursement for additional work shall be subject to Sauk County's financial policies. Nothing contained herein shall authorize the expenditure of funds not budgeted.

(4) The county surveyor shall maintain regular office hours once each week at the Sauk County West Square Building at a regular and designated time and day of the week, which hours shall be not less than 4 hours each week between the hours of 8:00 a.m. and 4:30 p.m. The salary established for the elected county surveyor shall be the exclusive compensation for work performed during regular office hours.

Section 30.04 was created and adopted by the Sauk County Board of Supervisors on November 12, 1991. Amended by the Sauk County Board of Supervisors on May 17, 2005 – Ordinance No. 62-05. Amended by the Sauk County Board of Supervisors on October 16, 2007 – Ordinance No. 129-07. Section 30.60 was created and adopted by the Sauk County Board of Supervisors on July 15, 2008 – Ordinance No. 67-08. Section 30.07 was created and adopted by the Sauk County Board of Supervisors on December 20, 2011 – Ordinance No. 122-11. Amended by the Sauk County Board of Supervisors on May 15, 2012 – Ordinance No. 10-12. Amended by the Sauk County Board of Supervisors on November 20, 2012 – Ordinance No. 14-12. Amended by the Sauk County Board of Supervisors on December 18, 2012 – Ordinance No. 16-12. Amended by the Sauk County Board of Supervisors on December 16, 2014 – Ordinance Nos. 9-14 & 12-14. Previously Chapter 30, Chapter 43 was created by the Sauk County Board of Supervisors on January 17, 2017 – Ordinance No. 1-17, and amended by the

Sauk County Board of Supervisors on January 17, 2017 –
Ordinance No. 2-17.