

# **SAWYER COUNTY CITATION ORDINANCE 89-1**

Adopted November 14, 1989

Amended: July 20, 1995, May 23, 1996, June 19, 1997, February 19, 2004, June 15, 2006 and September 18, 2008, and June 20, 2013.

## **Section 1.0 Purpose**

The purpose of this Ordinance is to achieve greater efficiency and economy in the enforcement of certain Sawyer County Ordinances and to guarantee the fairness and consistency of enforcement procedures.

## **Section 2.0 Authority**

2.1 This Ordinance is created pursuant to the authority granted by Chapter 66.119 of the Wisconsin Statutes. Sawyer County elects to use the citation method of enforcement of certain ordinances other than those for which a statutory counterpart exists.

2.2 Nothing contained in this Ordinance shall be construed to prevent the use of any other method of enforcing Sawyer County Ordinances, including but not limited to the use of summons and complaint under Chapters 66 and 299 of the Wisconsin Statutes; Section 16.0 of the Sawyer County Zoning Ordinance; Section 12.0 of the Sawyer County Subdivision Control/Condominium Ordinance and Sections 24, 25, 32 and 33 of the Sawyer County Ordinance for Non-metallic Mining Reclamation and Section 11.0 Sawyer County Property Address System Ordinance.

## **Section 3.0 Ordinance Affected**

3.1 Citations may be issued in the enforcement of the following ordinances:

- 1) Sawyer County Zoning Ordinances.
- 2) Sawyer County Subdivision Control/Condominium Ordinance.
- 3) Sawyer County Private Sewage System Ordinance.
- 4) Sawyer County Ordinance for Non-metallic Mining Reclamation.
- 5) Sawyer County Property Address System Ordinance.
- 6) Sawyer County Shoreland-Wetland Protection Ordinance.

## **Section 4.0 Authorized Person to Issue Citations**

The following persons may issue citations authorized under this Ordinance:

- 1) Any Sawyer County Law Enforcement Officer.
- 2) Any designated employee of the Sawyer County Zoning and Conservation Dept.
- 3) Any designated employee of the Land Records Department.

## **Section 5.0 The Citation**

5.1 Citations issued pursuant to this Ordinance shall provide for the following:

- 1) The name and address of the alleged violator.
- 2) The factual allegations describing the alleged violation.
- 3) The time and place of the offense.
- 4) The section of the Ordinance violated.

- 5) A designation of the offense in such a manner as can be readily understood by a person making a reasonable effort to do so.
- 6) The time at which the alleged violator may appear in court.
- 7) A statement which in essence informs the alleged violator:
  - a) That the alleged violator may make a cash deposit based on the schedule established by this Ordinance to be mailed or delivered to the Clerk of Courts prior to the time of the scheduled court appearance.
  - b) That if the alleged violator makes such a deposit he or she need not appear in court unless subsequently summoned.
  - c) That if the alleged violator makes a cash deposit and does not appear in court, either he or she will be deemed to have tendered a plea of no contest and submitted to a forfeiture not to exceed the amount of the deposit or will be summoned into court to answer the complaint if the court does not accept the plea of no contest.
  - d) That if the alleged violator does not make a cash deposit and does not appear in court at the time specified, an action may be commenced against the alleged violator to collect the forfeiture.
  - e) A direction that if the alleged violator elects to make a cash deposit, the alleged violator shall sign an appropriate statement which accompanies the citation to indicate that he or she read the statement required under Section 5.1 (7) of this Ordinance and shall send the signed statement with cash deposit.

#### **Section 6.0 Form of Citation**

The form of the citation used under this Ordinance shall be approved by the Sawyer County District Attorney and the Sawyer County Zoning Committee. Such approval shall be recorded in said Committee's minutes.

#### **Section 7.0 Procedure**

The procedure provisions of Chapter 66.119 of the Wisconsin Statutes are hereby adopted and incorporated herein by reference.

#### **Section 8.0 Nonexclusivity**

8.1 Adoption of this Ordinance in no way precludes the adoption of any other Ordinance providing for the enforcement of any law or Ordinance relating to the same or any other matter.

The issue of a citation under this Ordinance in no way precludes proceeding under any other law or Ordinance relating to the same or any other matter.

8.2 Submission of a deposit shall in no way alleviate the alleged violator of future citations, should the alleged offense remain uncorrected. If compliance or correction is not satisfied within 15 working days from the initial court date, additional citations shall be issued on a daily basis. (Amended May 23, 1996 and June 20, 2013)

8.3 The payment of a forfeiture does not eliminate the need to comply with the terms of the Ordinance or to remove any unauthorized development or mitigate any environmental damage caused by the violation.

**Section 9.0 Severability**

Should any section or provision of this Ordinance be declared unconstitutional or invalid or be repealed, the constitutionality or validity of the remainder shall not be affected thereby.

**Section 10.0 Effective Date**

This Ordinance shall take effect and be in force upon its passage by the Sawyer County Board of Supervisors.

**Section 11.0 Schedule of Deposits** (Amended May 23, 1996 and June 20, 2013)

11.1 The following schedule of cash deposits is established for use with citations issued under this Ordinance. The schedule is set by the Sawyer County Zoning Committee.

11.2 Deposits shall be made in cash, money order, or certified check to the Sawyer County Clerk of Court who shall provide a receipt.

<u>VIOLATION</u>	<u>DEPOSIT</u>	<u>ORDINANCE SECTIONS</u>
<b>§ 11.3 Action Conducted Without Specified Permit</b>		
1) Land Use Permits	\$250.00	ZO 9.2
2) Sanitary Permits	\$250.00	SO 4.0
3) Sign Permits	\$50.00	ZO 5.1(1)
4) Conditional Use Permit (Amended July 20, 1995)	\$250.00	ZO 8.2
<b>§ 11.4 Violation of Conditions of Conditional Use Permit</b>		
	\$350.00	ZO 8.0 & 9.2
<b>§ 11.5 Violation of Conditions of Variance Approval</b>		
	\$350.00	ZO 11.0 & 9.2
<b>§ 11.6 Setback Violations</b>		
1) From roads and highways	\$200.00	ZO 4.2 (1)
<u>VIOLATION</u>	<u>DEPOSIT</u>	<u>ORDINANCE SECTIONS</u>
2) From Navigable		

Waters	\$200.00	ZSW 14.1
3) From Lot Lines	\$200.00	ZO Dimensional Requirements
4) From Wetlands	\$200.00	ZSW 14.2 & 14.3
<b>§ 11.7 Shoreline Vegetation Requirements</b>	<b>\$500.00</b>	<b>ZSW 17.0</b>
<b>§ 11.8 Zone District Permitted Use Violations</b>	<b>\$200.00</b>	<b>ZO Zone Districts</b>
<b>§ 11.9 Placement of Major Recreational Equipment/Vehicles</b>	<b>\$200.00</b>	<b>ZO 6.6 &amp; 6.7</b>
<b>§ 11.10 Violations of Requirements for Mobile Home Parks and Campgrounds</b>	<b>\$150.00</b>	<b>ZO 6.5 &amp; 6.6</b>
<b>§ 11.11 Violations of Requirements for Drainage, Sanitation and Water Supply</b>	<b>\$150.00</b>	<b>ZO 4.27 &amp; ZSW 7.0</b>
<b>§ 11.12 Violation of Requirements for Filling, Grading, Lagooning, Dredging, Ditching and Excavating</b>	<b>\$300.00</b>	<b>ZSW 4.08 &amp; 5.0</b>
<b>§ 11.13 Violation of Impervious Surface Standards</b>	<b>\$200.00</b>	<b>ZSW 21.0</b>
<b>§ 11.14 Violation of Requirement for Chickens</b>	<b>\$50.00</b>	<b>ZO 4.6</b>
<b>§ 11.15 Violations of Airport Safety Regulations</b>	<b>\$150.00</b>	<b>ZO 4.5</b>
<b>§ 11.16 Violation of Requirement for Signs</b>	<b>\$50.00</b>	<b>ZO 5.0</b>

<u>VIOLATION</u>	<u>DEPOSIT</u>	<u>ORDINANCE SECTION</u>
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**§ 11.17 Mineral Extractions**

1) No Conditional Use Permit prior to opening

	\$350.00	ZO 6.33
2) Violation of requirements for mineral extractions	\$500.00	ZO 6.2
<b>§ 11.18 Salvage Yards</b>		
1) No Conditional Use Permit prior to opening	\$600.00	ZO 6.31
2) Violation of requirements for salvage yards	\$450.00	ZO 6.3
<b>§ 11.19 Subdivisions and Certified Surveys</b>		
1) Creation of lot(s) without Certified Survey	\$150.00 per lot	SUB 3.0
2) Violation of requirements for subdivisions	\$150.00 per lot	SUB 2.0-14.0
<b>§ 11.20 Private Onsite Waste Treatment Systems (POWTS)</b>		
1) Unauthorized installation/repair of POWTS	\$300.00	SPS 383
2) Failure to comply with order to repair failing POWTS	\$500.00	SPS 383
3) Holding Tanks		
a) Failure to provide pumping report	\$150.00	SPS 383.18
b) Pumping holding tank in unauthorized area	\$500.00	NR Codes 811 & 812
4) POWTS setbacks (Added July 20, 1995)	\$200.00	SPS 383

<b><u>VIOLATION</u></b>	<b><u>DEPOSIT</u></b>	<b><u>ORDINANCE SECTION</u></b>
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5) Improper disposal of household domestic waste	\$300.00	SPS 383 §145.20
6) Failure of service provider to report POWTS inspection, maintenance and servicing within		

- 30 calendar days of providing service.  
\$300.00 SPS 383
- 7) Failure of POWTS owner to report POWTS inspection, maintenance and servicing within 30 calendar days of servicing date.  
\$50.00 SPS 383

**§ 11.21 Falsifying Permit Applications**

- 1) Providing or listing false information on a Land Use Permit  
\$300.00 ZO 9.2
- 2) Providing or listing false information on a Conditional Use Permit  
\$300.00 ZO 9.2 & 8.26
- 3) Providing or listing false information on a Sign Permit  
\$100.00 ZO 5.0
- 4) Providing or listing false information on a County or State Sanitary Permit  
\$300.00 SPS383

**§ 11.22 Nonconforming Uses, Structures and Property**

- 1) Violation of requirements for discontinuing a nonconforming use.  
\$150.00 ZO 10.11
- 2) Violation of requirements for discontinuing a nonconforming structure.  
\$150.00 ZO 10.11
- 3) Violation of the maintenance and repair requirements for nonconforming boathouses.  
\$150.00 ZO 10.12
- 4) Violation of requirements for discontinuing the nonconforming use of a temporary structure.  
\$150.00 ZO 10.13
- 5) Violation of requirements for discontinuing nuisances as nonconforming uses.  
\$150.00 ZO 10.14

**VIOLATION                      DEPOSIT                      ORDINANCE SECTIONS**

- 6) Violation of requirements for construction activities exceeding 50% of the estimated fair market value of a structure with a nonconforming use.  
\$150.00 ZO 10.21-22
- 7) Violation of requirements for construction activities exceeding 50% of the estimated fair market value of a nonconforming structure.

\$150.00

ZO 10.21-22

**§ 11.23 Adverse Effects on Adjacent Properties**

\$300.00

ZO 4.28

**§ 11.24 Non-metallic Mining Reclamation.**

- 1) Violation of requirements to submit a reclamation plan.

\$250.00

MR24.00

- 2) Violation of requirements to submit financial assurance.

\$250.00

MR24.00

- 3) Failure to follow an approved reclamation plan.

\$500.00

MR24.00

- 4) Failure to complete the Reclamation Report or falsifying information on the Reclamation Report.

\$500.00

MR25.00

**§ 11.25 Property Address Ordinance Violations**

- 1) Failure to obtain New and Replacement Signs

\$100.00

PASO 7.0

- 2) Willful Damage to a Property Address Sign

\$200.00

PASO 7.0

- 3) Failure to Report Accidental Damage

\$50.00

PASO 7.0

All Court costs per Sawyer County Clerk of Court Schedule at the time of citation.