

Uniform Citation Ordinance- Office of Planning & Development

The County Board of Supervisors of the County of Iowa does ordain as follows:

Section 1.0 Purpose

The purpose of this Ordinance is to achieve greater efficiency and economy in the enforcement of certain Iowa 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 Sections 59.02, 59.03, 59.04, 59.54 and 66.0113 of the Wisconsin Statutes. Iowa 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 Iowa County Ordinances, including but not limited to the use of summons and complaint under Chapters 66 and 778 of the Wisconsin Statutes.

Section 3.0 Ordinances Affected

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

- 1) Iowa County Zoning Ordinance
- 2) Iowa County Floodplain Zoning Ordinance
- 3) Iowa County Shoreland/Wetland Ordinance
- 4) Iowa County Sanitary Ordinance
- 5) Iowa County Subdivision & Land Division Ordinance
- 6) Iowa County Airport Zoning Ordinance
- 7) Iowa County Nonmetallic Mining Reclamation Ordinance
- 8) Iowa County Animal Waste Storage and Nutrient Utilization Ordinance
- 9) Iowa County Address and Road Name Ordinance
- 10) Iowa County Telecommunications Tower, Antenna, and Facilities Siting Ordinance

Section 4.0 Authorized Persons to Issue Citations

Any designated employee of the Iowa County Office of Planning & Development, being either the department head or a person granted authority from the department head, is authorized to issue a citation for violation of the ordinances listed under Section 3.0 of this Ordinance.

Section 5.0 Enforcement

If the existence of a violation to an ordinance administered by the Iowa County Office of Planning & Development is confirmed, a written order will be issued specifying the action needed to correct the violation and the time period in which the violation must be corrected.

If a violator does not comply with a written order, the violator may be subject to:

- a) The issuance of an enforceable citation
- b) Commencement of legal action against the person seeking an injunction to abate the violation and/or correct the damage created by the violation
- c) If a violation is not corrected within the time period specified in the order, staff of the Iowa County Office of Planning & Development may enter upon the property and abate and/or correct the violation or cause such action to be taken. The cost of correction can be recovered by the County as a special tax assessment on the property.

Section 6.0 Citations

The form of the Citation shall be as prescribed in Section 66.0113, WI Statutes.

A Citation and summons issued under this ordinance can be served on a violator in person or by registered mail.

The forfeiture for a citation under this ordinance shall be entered against the violator for not less than \$50.00 and not to exceed \$500.00, plus statutory court costs, assessments, surcharges and fees for a single violation. The forfeiture amount shall be set by and at the discretion of the Iowa County Office of Planning & Development Director based on the severity of hazard to the public health, safety, convenience, general welfare and the waters of the state.

The Iowa County Office of Planning and Development shall follow a written procedure for the issuance of Citations with said procedure being endorsed by a county committee with just oversight.

Section 7.0 Penalties

If a violator is convicted of violating a provision of an ordinance under the purview of this ordinance, the payment of forfeiture cash deposits, statutory court costs, assessments, surcharges and fees shall be paid to the Iowa County Clerk of Court. Receipts shall be given for deposits made. For forfeitures and citations, a separate offense shall be deemed committed during each fourteen (14) day period during which or upon which a given violation occurs or continues. In cases where the violation poses an immediate health hazard, this fourteen (14) day period can be reduced to 24 hours with a written notice of such reduction given to the violator.

Initiation of legal action shall be initiated against a violator as requested by the Iowa County Office of Planning & Development in concurrence with the Iowa County Corporation Counsel, who shall be responsible for the handling of all court cases where a citation is issued pursuant to this ordinance.

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 proceedings 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, additional Citations may be issued on a daily basis.

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 Definitions

For the purpose of this ordinance, the definitions and those contained in rules and regulations promulgated to the ordinances authorized by this ordinance for the issuance of a citation shall apply. Other words shall be presumed to have their customary dictionary definition.