

**BURNETT COUNTY
CITATION ORDINANCE**

SECTION I: PURPOSE

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

SECTION II: AUTHORITY

- A. This Ordinance is created pursuant to the authority granted by Chapter 66.119 of the Wisconsin Statutes. Burnett County elects to use the citation method of enforcement of certain ordinances other than those for which a statutory counterpart exists.
- B. Nothing contained in this Ordinance shall be constructed to prevent the use of any other method of enforcing Burnett County Ordinances, including but not limited to, the use of a summons and complaint under Chapters 66 and 299 of the Wisconsin Statutes.

SECTION III: ORDINANCE AFFECTED

- A. Citations may be issued in the enforcement of the following Ordinances:
1. Burnett County Land Use Ordinance
 2. Burnett County Private Sewage System/Sanitary Ordinance
 3. Burnett County Subdivision Control Ordinance
 4. Burnett County Airport Ordinance
 5. Burnett County Floodplain Ordinance

SECTION IV: PERSON AUTHORIZED TO ISSUE CITATIONS

- A. The following persons may issue citations authorized under this Ordinance:
1. Any Burnett County Law Enforcement Officer.
 2. Any designated employee of the Burnett County Land Use/Zoning Office.

SECTION V: THE CITATION

- A. 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.
8. 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 V A. (7) of this Ordinance and shall send the signed statement with the cash deposit.

SECTION VI: FORM OF CITATION

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

SECTION VII: SCHEDULE OF DEPOSITS

- A. The following schedule of cash deposits is established for use with citations issued under this Ordinance.
 1. Note attached schedule of fee deposits.

SCHEDULE AS SET BY LAND USE/ZONING COMMITTEE
- B. Deposits shall be made in cash, by money order or by certified check to the Clerk of the County Court who shall provide a receipt therefore.

SECTION VIII: PROCEDURE

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

SECTION IX: NONEXCLUSIVITY

- A. 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 issuance of a citation under this Ordinance in no way precludes preceeding under any other law or Ordinance relating to the same or any other matter.
- B. Submission of a deposit shall in no way alleviate the alleged violator of future citations, should the alleged offense remain uncorrected.
- C. 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 X: SEVERABILITY

- A. 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 XI: EFFECTIVE DATE

- A. This Ordinance shall take effect and be in force upon its passage by the Burnett County Board of Supervisors and publication as provided by law.