Resolution # 39-11

Resolution to Add Ordinances to Polk County's Uniform Citation Ordinance

County of Polk

WHEREAS, Polk County has a Uniform Citation Ordinance pursuant to Wisconsin Statutes § 66.0113that has been duly adopted by the County Board of Supervisors; and

WHEREAS, Polk County has a Manure and Water Quality Management Ordinance, an Amended Illegal to Transport Aquatic Plants and Invasive Animals Ordinance, a Nonmetallic Mine Reclamation Ordinance and a Stormwater Management and Erosion Control Ordinance, all duly adopted by the County Board; and

WHEREAS, each of the Ordinances listed in the preceding paragraph have citation authority; and

WHEREAS, it is important to maintain consistency throughout the County regarding the process for issuing citations for Ordinance violations.

NOW, THEREFORE, BE IT RESOLVED, that the Manure and Water Quality Management Ordinance, the Amended Illegal to Transport Aquatic Plants and Invasive Animals Ordinance, the Nonmetallic Mine Reclamation Ordinance and the Stormwater Management and Erosion Control Ordinance are hereby added to the list of Ordinances Affected by the Uniform Citation Ordinance, a copy of which is attached hereto.

Submitted and Sponsored By:

Review By County Administrator:

- ☑ Recommended
- ☐ Not Recommended
- ☐ Reviewed Only

Dana Frey, County Administrator

Review By Corporation Counsel:

- ☒ Approved as to Form
- ☐ Recommended
- ☐ Not Recommended
- ☒ Reviewed Only

Jeffrey B. Fuge, Corporation Counsel

At its regular business meeting on August 16, 2011, the Polk County Board of Supervisors adopted the above-entitled resolution, Resolution 39 -11: _____, by a simple majority vote of ___in favor and ___ against. by unanimous voice vote

William Johnson, IV, County Board Chair — Dated: 8-22-11

Attest: Carole Y. Wondra — Dated: 8-22-11

Carole Wondra, Polk County Clerk

Resolution No. 79-06
Ordinance No. 79-06

Uniform Citation Ordinance

The County Board of Supervisors of the County of Polk 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 Polk 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 66.0113 of the Wisconsin Statutes. Polk 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 Polk 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 Ordinance Affected

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

1) Comprehensive Land Use Ordinance, Enacted April 21, 1971

2) Shoreland Zoning Ordinance, Amended May 1, 2002

3) Subdivision Ordinance, Amended July 1, 2005

4) Telecommunication Tower Ordinance, Enacted December 16, 2003

5) Lower St. Croix Riverway Ordinance, Enacted May 9, 1977

6) Floodplain Ordinance, Enacted June 19, 1990

7)

8)

9)

10)

* Left blank purposefully

Section 4.0 Authorized Person to Issue Citations

The following persons may issue citations authorized under this Ordinance:

1) Any Polk County Law Enforcement Officer.

2) Any designated employee of the Polk County Zoning Administration. Designated means a person who is the department head or a person granted authority from the department head. This authority only extends to citations issued pursuant to any zoning ordinance violation.

3) Any designated employee of a department which has citation authority other than Zoning. Designated means a person who is a department head or a person granted authority from a department head. This authority extends only to those ordinances for which the department has enforcement authority over.

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 a schedule 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.

f) That in the event the identity of any alleged violator cannot be obtained under the circumstances, other identifying information, such as vehicle license number or the term "owner/occupier" along with the address of a property allegedly in violation of an ordinance, may be utilized in lieu of the name of the alleged violator.

Section 6.0 Form of Citation

The form of the Citation will conform, as closely as practicable, with the Uniform Citations for Municipal Violations. Polk County shall order such pre-printed Citation's from the Wisconsin Department of Administration as long as they are available. The cost of the Citations will be allocated in equal shares to the Polk County Departments who are authorized by ordinance to issue said Citations.

Section 7.0 Procedure

The procedure provisions of Chapter 66.0113 of the Wisconsin Statutes are hereby adopted and incorporated herein by reference.

Departments who issue Citations pursuant to this Ordinance shall give a monthly report to their respective reporting committee. The report shall include the number of Citations issued for the previous reporting period and the resolution or progress of any previous open Citation cases.

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, 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 Effective Date

This Ordinance shall have an effective date of January 1, 2007.

Section 11.0 Schedule of Deposits

11.1 A Schedule of Deposits shall be created and publicly posted in a manner that is reasonably calculated to give notice.

11.2 The Schedule shall be created and adopted by the respective reporting committees and may be adjusted by said committees.

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

Funding Amount Date Finance Committee Advised: Not Applicable

Finance Recommendation: Not Applicable

Date of County Board Consideration: December 12, 2006

Approved as to Form: Jeffrey B. Fuge

Jeffrey B. Fuge, Corporation Counsel

Effective Date: January 1, 2007

County Board Action: Adopted.

Submitted By: JM Putnam

STATE OF WISCONSIN)
) SS
COUNTY OF POLK)

I, Carole T. Wondra, Clerk for Polk County, do hereby certify that the attached is a true and correct copy of Resolution No. 39-11 that was adopted by the Polk County Board of Supervisors on August 16, 2011.

Carole T. Wondra 8-19-11
Carole T. Wondra Date
Polk County Clerk