

35.01 AUTHORIZING THE USE OF CITATIONS FOR VIOLATION OF ORDINANCES

1. **AUTHORITY:**
This ordinance, designated as Chapter 35 of the Door County Code, is enacted under the authority granted by Secs. 59.02, 59.03, 59.04, 59.54, and 66.0113, Wis. Stats.
2. **JURISDICTION:**
 - a. This ordinance shall be applicable to the County of Door, State of Wisconsin.
3. **RELATIONSHIP TO OTHER LAWS:**
 - a. The adoption and the authorization for use of a citation under this ordinance shall not preclude the County of Door from adopting any other ordinance or providing for the enforcement of any other law or ordinance relating to the same or any other matter.
 - b. The issuance of a citation, or entry of a judgment for payment of a forfeiture, under this ordinance shall not preclude the County of Door from proceeding under any other ordinance or law relating to the same or any other matter.
 - c. Proceeding under any other ordinance or law relating to the same or any other matter shall not preclude the issuance of a citation under this ordinance.

4. **ISSUANCE OF A CITATION IS HEREBY AUTHORIZED FOR VIOLATIONS OF THE FOLLOWING ORDINANCES:**

<u>Ordinance</u>	<u>Person(s) Who May Issue Citations</u>
Door County Shoreland Zoning Ordinance Door County Comprehensive Zoning Ordinance Door County Land Division Ordinance Door County Floodplain Zoning Ordinance	Land Use Services Director or Land Use Services Department Employee(s) delegated by the Land Use Services Director
Chapter 8 Door County Code	County Law Enforcement Officers
Chapter 10 Door County Code	Land Information Office Employee(s) or Land Use Services Director or Land Use Services Department Employee(s) delegated by the Land Use Services Director
Chapter 12 Door County Code	Parks Director or Parks Department employee(s) delegated by the Parks Director
Chapter 13 Door County Code	Airport Director or Airport Department employee(s) delegated by the Airport Director
Chapter 21 Door County Code	Land Use Services Director or Land Use Services Department Employee(s) delegated by the Land Use Services Director
Chapter 23 Door County Code	County Conservationist or Soil & Water Conservation Department employee(s) delegated by the County Conservationist
Chapter 25 Door County Code	County Law Enforcement Officers
Chapter 31, Section 31.01, 31.02 and 31.04-31.06, Door County Code	County Law Enforcement Officers
Chapter 31, Section 31.03 Door County Code	Health Officer and Land Use Services Director or Land Use Services Department Employee(s) delegated by the Land Use Services Director

5. **ENFORCEMENT PROCEDURES:**

- a. Citations authorized under this ordinance may be issued by the person(s) authorized supra.
- b. The form of the citation shall be as prescribed in Sec. 66.0113(1)(b), Wis. Stats.
- c. Alleged violator's options and procedures on default shall be as set forth in Sec. 66.0113(3), Wis. Stats.
- d. The alleged violator may elect to make a deposit as set forth in Sec. 66.0113(3)(a), Wis. Stats. The deposit shall include a forfeiture, in accordance with Appendix A (attached hereto and incorporated herein by reference), plus costs, fees, and surcharges that may be imposed under Ch. 814 Wis. Stats.
- e. Deposits shall be made, in cash, money order, or certified check, to the Clerk of Court.
- f. Receipts shall be given for deposits made.

6. **PENALTY:**

- a. The penalty shall include the defendant's payment of:
 - any forfeitures; and
 - any costs, fees, and surcharges that may be imposed under Ch. 814 Wis. Stats; and
 - any restitution under Sec. 800.093, Wis. Stats.; and
 - payment of all fees, and disbursements of County, allowed by law and incurred in connection with the prosecution of the forfeiture action
- b. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.

7. **SEVERABILITY:**

- a. Should any portion of this ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected.

8. **PURPOSE:**

- a. The dominant aim of this ordinance is to promote the public health, safety, convenience, and general welfare.

9. **EFFECTIVE DATE:**

This ordinance shall be in full force and effect from and after January 1, 2023..

Any reference to the Wisconsin Statutes herein refers to the Statute in effect as of the date this ordinance is enacted or as the Statute is subsequently revised or amended.

Chapter 35 "Authorizing the Use of Citations for Violation of Ordinances" shall remain in full force and effect to the extent its provisions do not conflict with those herein. (Ord. 11-99; 6/22/99; Ord. 20-00A; 12/28/00, Ord. 01-02; 01/29/02; Ord. 2005-15, 05/24/05; Ord. 2010-11; 9/30/10; Ord. 2012-07; 01/24/12; Ord. 2017-11: 09/19/17; Ord. 2022-11, 10/25/22; Ord. 22-13; 10/25/22; Ord. 24-05, 05/28/24)

APPENDIX A DEPOSIT SCHEDULE

ORDINANCE	OFFENSE	FORFEITURE	* ASSESSMENTS FEES AND COSTS	DEPOSIT
Door County Shoreland Zoning Ordinance	First	\$150.00	\$176.50	\$326.50
	Second or Subsequent	\$300.00	\$215.50	\$515.50
Door County Comprehensive Zoning Ordinance	First	\$150.00	\$176.50	\$326.50
	Second or Subsequent	\$300.00	\$215.50	\$515.50
Door County Land Division Ordinance	First	\$150.00	\$176.50	\$326.50
	Second or Subsequent	\$300.00	\$215.50	\$515.50
Door County Floodplain Zoning Ordinance	First	\$150.00	\$176.50	\$326.50
	Second or Subsequent	\$300.00	\$215.50	\$515.50
Chapter 8 Door County Code	First	\$100.00	\$163.50	\$263.50
	Second or Subsequent			
Chapter 10 Door County Code	First	\$150.00	\$176.50	\$326.50
	Second or Subsequent			
Chapter 12 Door County Code	First	\$100.00	\$163.50	\$263.50
	Second or Subsequent			
Chapter 13 Door County Code	First	\$25.00	\$144.00	\$169.00
	Second or Subsequent	\$50.00	\$150.50	\$200.50
Chapter 21 Door County Code	First	\$100.00	\$163.50	\$263.50
	Second or Subsequent	\$200.00	\$189.50	\$389.50
Chapter 23 Door County Code	First	\$100.00	\$163.50	\$263.50
	Second or Subsequent	\$200.00	\$189.50	\$389.50
Chapter 25 Door County Code	First	\$50.00	\$150.50	\$200.50
	Second or Subsequent	\$100.00	\$163.50	\$263.50
Chapter 31, Section 31.01, 31.02 and 31.04-31.06, Door County Code	First	Up to \$250.00	\$202.50	\$452.50
	Second or Subsequent	Up to \$500.00	\$267.50	\$767.50
Chapter 31, Section 31.03 of Door County Code – Nuisance	First	\$100.00	\$163.50	\$263.50
	Second or Subsequent	\$200.00	\$189.50	\$389.50
Chapter 36 Door County Code	First	\$100.00	\$163.50	\$263.50
	Second or Subsequent	\$200.00	\$189.50	\$389.50

* As to the assessments, fees and costs, those prescribed under Ch. 814 Wis. Stats. and / or set forth in the most recent "Civil Forfeiture Table" in effect shall control.