

# **General Provisions**

## **Chapter 2      Ordinance Enforcement by Citation**

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## Chapter 2 Ordinance Enforcement by Citation

### Sec. 1-2-1 Purpose.

The purpose of this Chapter is to achieve greater efficiency and economy in the enforcement of Bayfield County ordinances and to guarantee the fairness and consistency of enforcement procedures.

### Sec. 1-2-2 Authority.

- (a) This Chapter is created pursuant to the authority granted by Ch. 66.119, Wis. Stats.
- (b) Nothing contained in this Chapter shall be constructed to prevent the use of any other method of enforcing Bayfield County ordinances, including but not limited to, the use of a summons and complaint.

### Sec. 1-2-3 Ordinances Affected.

Citations may be issued in the enforcement of any Bayfield County ordinance imposing a forfeiture for the violation thereof.

### Sec. 1-2-4 Persons Authorized to Issue Citations.

The following persons may issue citations authorized under this Chapter:

- (a) Any Bayfield County law enforcement officer.
- (b) With respect to the Bayfield County Zoning Ordinance (Title 13, Chapter 1), Sanitary and Private Sewage Ordinance (Title 15, Chapter 1), Subdivision Control Ordinance (Title 14, Chapter 1), Shoreland-Wetland Zoning Ordinance (Title 13, Chapter 3), and Floodplain Zoning Ordinance (Title 13, Chapter 2), any employee of the Bayfield County Zoning Department.
- (c) With respect to the Bayfield County Dog Ordinance (Title 7, Chapter 1), the Bayfield County Humane Officer.
- (d) With respect to the Bayfield County Snowmobile Business Sign Ordinance (Section 10-2-4), the Bayfield County Forestry & Parks Administrator or any employee of the Bayfield County Forestry & Parks Department designated by said Administrator. *(Revised 4-16-13)*
- (e) With respect to the Bayfield County Park Ordinance (Section 12-1-1), the Bayfield County Forest Administrator and Bayfield County Foresters. *(Revised 4-16-13)*

- (f) With respect to the Bayfield County County-Owned Land Ordinance (Section 12-1-2), Tree Stand and Ground Structure Ordinance (Section 12-1-3), Waste Ordinance (Section 12-1-4), County Forest Use Regulations (Section 12-2-6), and Miscellaneous Forest Products Ordinance (Section 12-2-8), the Bayfield County Forest Administrator and any Bayfield County Forester.
- (g) With respect to the Bayfield County Lodging, Recreation Establishment, Food Protection and Tattoo and Body Piercing Establishment Ordinance (Title 9, Chapter 2), the Bayfield County Health Officer and his/her designees.

### **Sec. 1-2-5 Form of Citation.**

- (a) Citations issued pursuant to this Chapter 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 Chapter 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/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/she will be deemed to have tendered a plea of no contest and submitted to a forfeiture plus all applicable statutory assessments, costs, and fees, 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, the court may issue a

summons or a warrant for the violator's arrest or consider the non-appearance to be a plea of no contest and enter judgment, or the County may commence an action against the alleged violator to collect a forfeiture and applicable statutory assessments, costs, and fees.

- (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/she read the statement required under Subsection (a)(7) above and shall send the signed statement with the cash deposit.
- (b) The form of the citation used under this Chapter shall be approved by the Bayfield County District Attorney and the Bayfield County Corporation Counsel.

### **Sec. 1-2-6 Schedule of Deposits.**

<b>Offense</b>	<b>Forfeiture</b>	<b>Assessments, Costs &amp; Fees</b>	<b>Total Deposit</b>
(a) Violation of any provision of the Bayfield County Zoning Ordinance, Sanitary & Private Sewage Ordinance, Subdivision Control Ordinance, Shoreland-Wetland Zoning Ordinance, and Floodplain Zoning Ordinance	\$100.00	\$112.00	\$212.00
(b) Violation of any provision of the Bayfield County Waste Ordinance	\$500.00	\$204.00	\$704.00
(c) Violation of Bayfield County Dog Ordinance: Running at Large; Barking			
1st offense:	\$35.00	\$97.50	\$132.05
2nd/subsequent offense	\$75.00	\$106.25	\$181.25
Cruelty to Animals; No Food or Water; Shelter Violation; Leash Violation; Chapter 174 & Sec. 95.21 Violations:			
1st offense	\$100.00	\$112.00	\$212.00
2nd or subsequent offense	\$150.00	\$123.50	\$273.50

<b>Offense</b>	<b>Forfeiture</b>	<b>Assessments, Costs &amp; Fees</b>	<b>Total Deposit</b>
<b>(d) Violation of Bayfield County Snowmobile Business Sign Ordinance:</b>			
1st offense if not corrected within 5 days after written notice thereof & 2nd offense			
3rd or subsequent offense	\$100.00	\$112.00	\$212.00
<b>(e) Violation of Bayfield County Park Ordinance:</b>	\$100.00	\$112.00	\$212.00
<b>(f) Violation of Bayfield County County-Owned Land Ordinance:</b>			
<b>(1) Section 1</b>			
a. Camping in no camping area or restricted camping area	\$50.00	\$100.50	\$150.50
b. Litter, trash or rubbish disposal			
1. Recreational trash	\$50.00	\$100.50	\$150.50
2. Household, commercial type or other rubbish	\$200.00	\$135.00	\$335.00
c. Open fire use	\$50.00	\$100.50	\$150.50
d. Leave an open fire			
1. Where fire is confined to normal campfire	\$50.00	\$100.50	\$150.50
2. Where fire escapes beyond typical campfire	\$200.00	\$135.00	\$335.00
e. Ignite an open fire outside of fire ring during no fire period or in posted no fire area	\$200.00	\$135.00	\$335.00
f. Resource or facility damage	\$200.00	\$135.00	\$335.00
g. Occupying site in excess of 14 days	\$50.00	\$100.50	\$150.50
h. Refusal to leave when directed by authority	\$200.00	\$135.00	\$335.00

<b>Offense</b>	<b>Forfeiture</b>	<b>Assessments, Costs &amp; Fees</b>	<b>Total Deposit</b>
(2) <b>Section 2</b>			
a. Motorized vehicle operation:			
1. If no gate, berm or sign posted (sign need not be present at time of violation)	\$50.00	\$100.50	\$150.50
2. All others or if on single use snowmobile trail	\$200.00	\$135.00	\$335.00
b. Motorized vehicle off designated road or trail	\$100.00	\$112.00	\$212.00
c. Operate motorized vehicle in excess of 700 pounds on designated ATV trail	\$100.00	\$112.00	\$212.00
d. Operate motorized vehicle during closed period	\$100.00	\$112.00	\$212.00
e. Operate motorized vehicle without state approved spark arrester	\$50.00	\$100.50	\$150.50
f. Construct, repair, disturb, or drag road or trail without approval 5 days prior	\$200.00	\$135.00	\$335.00
g. Operate motorized vehicle in excess of posted weight limit	\$100.00	\$112.00	\$212.00
h. Block or obstruct road or trail	\$100.00	\$112.00	\$212.00
i. Use other than snowmobile (Dec. 1-Mar. 31):			
1. ATV, horse, sled dog, sled, ski, etc.	\$50.00	\$100.50	\$150.50
2. Truck, pickup, car, van	\$200.00	\$135.00	\$335.00
j. Operate motorized vehicle below OHWM or in wetland	\$200.00	\$135.00	\$335.00

<b>Offense</b>	<b>Forfeiture</b>	<b>Assessments, Costs &amp; Fees</b>	<b>Total Deposit</b>
k. Use County land or facility for organized activity or commercial use without permission	\$200.00	\$135.00	\$235.00
l. Registration not clearly visible	\$50.00	\$100.50	\$150.50
<b>(3) Section 3</b>			
a. Post unauthorized sign, advertisement, etc.	\$50.00	\$100.50	\$150.50
b. Removal of soil, gravel, mineral, etc.	\$100.00	\$112.00	\$212.00
c. Disturb or remove artifact or historical article	\$200.00	\$135.00	\$335.00
d. Damage, removal, etc. of County Forest sign	\$100.00	\$112.00	\$212.00
e. Bicycle, horse, etc. below the OHWM	\$50.00	\$100.50	\$150.50
<b>(4) Repeat Offenses:</b> The deposit amount for a violation of a provision of the County-Owned Land Ordinance shall be double the amount otherwise stated in this schedule as a forfeiture plus all applicable statutory assessments, costs, and fees if the violator has been convicted of violating the same provision within five (5) years prior to the current violation.			
<b>(g) Violation of Bayfield County Miscellaneous Forest Products Ordinance:</b>			
<b>(1) Section 3 (pertaining to permits)</b>			
a. Harvesting any miscellaneous forest product without a permit	\$100.00	\$112.00	\$212.00
<b>(2) Section 4 (pertaining to placards)</b>			
a. Harvesting or transporting misc. forest products without placard displayed in vehicle windshield	\$50.00	\$100.50	\$150.50

<b>Offense</b>	<b>Forfeiture</b>	<b>Assessments, Costs &amp; Fees</b>	<b>Total Deposit</b>
<b>(3) Section 5 (pertaining to active timber sales)</b>			
a. Harvesting or transporting misc. forest products from an active timber sale without written permission	\$50.00	\$100.50	\$150.50
<b>(4) Section 6 (pertaining to closed areas)</b>			
a. Harvesting or transporting misc. forest products from a closed area	\$100.00	\$112.00	\$212.00
<b>(5) Section 7 (pertaining to firewood)</b>			
a. Removing more than 10 cords of firewood in a calendar year	\$200.00	\$135.00	\$335.00
b. Cutting a live tree	\$100.00	\$112.00	\$212.00
c. Cutting a tree within 100 ft. of a road	\$50.00	\$100.50	\$150.50
<b>(6) Section 8 (pertaining to Christmas trees)</b>			
a. Cutting a tree greater than 15 ft. in height	\$50.00	\$100.50	\$150.50
b. Leaving a stump greater than 6 inches in height	\$50.00	\$100.50	\$150.50
c. Cutting more than one tree	\$100.00	\$112.00	\$212.00
d. Cutting a tree from a planting area	\$50.00	\$100.50	\$150.50
<b>(7) Section 9 (pertaining to conifer boughs)</b>			
a. Harvesting a species other than balsam fir	\$100.00	\$112.00	\$212.00
b. Harvesting from a tree too small, or from top 1/3 of tree	\$50.00	\$100.50	\$150.50
c. Cutting down a tree to harvest boughs	\$100.00	\$112.00	\$212.00
d. Harvesting boughs in a manner damaging to the tree	\$50.00	\$100.50	\$150.50
e. Leaving a branch stub	\$50.00	\$100.50	\$150.50



<b>Offense</b>	<b>Forfeiture</b>	<b>Assessments, Costs &amp; Fees</b>	<b>Total Deposit</b>
(8) <b>Section 10 (pertaining to birch products)</b>			
a. Harvesting a birch product from a live tree, or tree not harvested in a commercial timber sale operation	\$100.00	\$112.0	\$212.00
(9) <b>Section 11 (pertaining to princess pine)</b>			
a. Harvesting a species other than <i>Lycopodium obscurum</i>	\$100.00	\$112.00	\$212.00
(10) The deposit amount for a violation of a provision of the Miscellaneous Forest Products Ordinance shall be double the amount otherwise stated in this schedule as a forfeiture plus all applicable statutory assessments, costs, and fees if the violator has been convicted of violating the same provision within five (5) years prior to the current violation.			
(h) <b>Violation of Bayfield County Tree Stand &amp; Ground Structure Ordinance</b>			
(1) <b>Section 3</b>			
a. Tree stand or ground structure left outside of Sept. 1-Dec. 31	\$100.00	\$112.00	\$212.00
b. Penetrating bark or bole of tree with stand or structure	\$100.00	\$112.00	\$212.00
c. Stand or structure not labeled with name and address of owner clearly readable from the ground	\$50.00	\$100.50	\$150.50
d. Ground structure not completely constructed	\$100.00	\$112.00	\$212.00
(2) <b>Repeat Offenses:</b> The deposit amount for a violation of a provision of the County Tree Stand and Ground Structure Ordinance shall be double the amount otherwise stated in this schedule as a forfeiture plus all applicable statutory assessments, costs, and fees if the violator has been convicted of violating the same provision within five (5) years prior to the current violation.			
(i) Violation of Bayfield County Cigarette and Tobacco Products Ordinance	\$25.00	(Not assessed by court)	\$25.00

<b>Offense</b>	<b>Forfeiture</b>	<b>Assessments, Costs &amp; Fees</b>	<b>Total Deposit</b>
(j) Violation of Bayfield County Address System Ordinance (after failure to correct violation within 30 days after written notice)	\$50.00	\$100.50	\$150.50
(k) Violation of Lodging, Recreation Establishment, Food Protection, and Tattoo and Body Piercing Establishment Ordinance	\$100.00	\$112.00	\$212.00
(l) All other ordinance violations	1/2 of maximum forfeiture	(.23 x 1/2 x maximum forfeiture) plus \$86.00	(1.23 x 1/2 x maximum forfeiture) plus \$86.00
(m) If the total of the statutory assessments, costs, and fees is changed by future legislation, the above schedule shall be automatically adjusted to comply with such legislation, as determined by the Bayfield County Corporation Counsel, provided that the forfeiture amounts shall not be changed except by amendment of this Section. The Corporation Counsel shall compile and file each adjusted schedule with the County Clerk and Clerk of Courts.			

### **Sec. 1-2-7 Payment of Deposits.**

Deposits shall be made to the Bayfield County Clerk of Courts at the Bayfield County Courthouse in Washburn, Wisconsin, who shall give receipts for cash deposits.

### **Sec. 1-2-8 Procedure.**

The procedure provisions of Ch. 66.119, Wis. Stats., are hereby adopted and incorporated herein by reference.

### **Sec. 1-2-9 Nonexclusivity.**

- (a) Adoption of this Chapter 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 Chapter in no way precludes proceeding under other law or ordinance relating to the same or any other matter.
- (b) Submission of a deposit shall in no way prevent the issuance of future citations or the taking of other legal action against the violator, should the alleged offense remain uncorrected.

- (c) The payment of a forfeiture does not eliminate the need to comply with the terms of this Chapter or to remove any unauthorized development or mitigate any environmental damage caused by the violation.