

## **CHAPTER 25**

### **CONSTRUCTION AND EFFECT OF ORDINANCES**

#### **25.01 PENALTY PROVISIONS**

- (1) General Penalty
- (2) Continued Violations
- (3) Execution Against Defendant's Property
- (4) Citation Method of Enforcement
- (5) Violations

## 25.01 PENALTY PROVISIONS

- (1) General Penalty.** Except as otherwise provided, any person who shall violate any of the provisions of this Code shall, upon conviction of such violation, be subject to a penalty, which shall be as follows;

  - (a) FIRST OFFENSE.** Any person who shall violate any provision of this Code shall, upon conviction thereof, forfeit not less than five dollars (\$5.00) nor more than five hundred dollars (\$500.00), together with the costs of prosecution, and in default of payment of such forfeiture and costs of prosecution, shall be imprisoned in the County Jail until such forfeiture and costs are paid, but not exceeding ninety (90) days.
  - (b) SECOND OFFENSE.** Any person found guilty of violating any ordinance or part of an ordinance of this Code, who has previously been convicted of a violation of the same ordinance within one (1) year, shall, upon conviction thereof, forfeit not less than ten dollars (\$10.00) nor more than five hundred dollars (\$500.00) for each such offense, together with the costs of prosecution. Default of payment of such forfeiture and costs shall result in imprisonment of the person in the County Jail until such forfeiture and costs are paid, not to exceed six (6) months.
- (2) Continued Violations.** Each violation, and each day a violation continues or occurs, shall constitute a separate offense. Nothing in this Code shall preclude the County from maintaining any appropriate action to prevent or remove a violation of any provision of this Code.
- (3) Execution Against Defendant's Property.** Whenever any person fails to pay any forfeiture and costs of prosecution upon the order of any court for violation of any ordinance of the County, the court may, in lieu of ordering of imprisonment of the defendant, or after the defendant has been released from custody, issue an execution against the property of the defendant for such forfeiture and costs.
- (4) Citation Method of Enforcement.** Pursuant to §66.0113, Wis. Stats., the County elects to use the citation method of enforcement for violations of this Code, including those for which a statutory counterpart exists.

  - (a)** The issuance of citations is expressly limited to the following County officials and employees, and the authority delegated to a County official, or employee to issue such citations, may only be granted or revoked by the County Board:

    - (1)** The County Land Information Director or designated employee(s) of the Land Information Department for violations of the County Sanitary Code Regulations, Zoning Code, Agricultural Performance Standards/Animal Waste Regulations, Floodplain Zoning, Non-Metallic Mining Reclamation, Shoreland/Wetland Zoning Regulations and Land Division Subdivision.
    - (2)** Any law enforcement officer.
    - (3)** Those employees of the Marinette County Forestry and Parks Department specifically authorized by the Forestry and Parks Committee to issue citations.

- (4) Marinette County Health and Human Services Department Fraud Investigator.
- (b) The citation shall contain the following:
- (1) The name and address of the alleged violator.
  - (2) 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 manner as can readily be 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 a cash deposit as indicated on the citation may be made and deposited with the Clerk of Courts prior to the time of the scheduled court appearance.
    - b. If the citation does not indicate mandatory appearance and if the deposit is made prior to the scheduled court date, no appearance in court is necessary.
- (5) Violations.** Upon a conviction of any violation of the following sections of this General Code, the following forfeitures shall be imposed:

<u>Section</u>	<u>Title</u>	<u>Forfeiture \$</u>
<b>SANITARY CODE REGULATIONS</b>		
15.05(1),(2)	Compliance	200
15.09(1)	Domestic Wastewater shall enter a Private Sewage System	200
15.09(5)	Failing Private Sewage	200
15.10(1),(2)	Abandonment of Private Sewage Systems	200
15.14(1),(2),(3),(4),(5)	Sanitary Permits	200
15.17(3),(4)	Posting of Permit Card	25
15.18(7)	Permit Expiration	100
15.19(1)	Transfer of Ownership	50
15.20(1)	Change of Plumber	50
15.22(1),(6)	Reconnections	100
15.23(1)	Construction Affecting Wastewater Flow or Contaminant Load	100
15.24	Construction Not Affecting Wastewater Flow or Contaminant Load	50
15.27(1),(2),(3),(4),(5)	Inspections General	100
15.28(1),(2)	Inspections; Conventional, Inground Pressure and System in fill	100
15.29(1),(2)	Inspections; Site Constructed Holding Tanks	100
15.30(1),(2)	Inspections; Nonplumbing Sanitation	50
15.31(1),(2)	Inspections; At-Grade and Mound	100

15.32(1),(2)	Inspections; Sand Filters	100
15.33(1),(2), (3)	Inspections; Other Systems Not Specifically Stated	100
15.34(1),(2)	Reinspection	50
15.35(1),(2)	Testing	50
15.36(1),(2), (3),(4),(5)	Maintenance and Management	100
15.37(1),(2), (3),(4)	Septic Tank Maintenance Program	100

**FORESTRY AND PARKS PENALTIES – SEE CHAPTER 16**

**ZONING CODE**

17.03(1)(b)	Use of Land or Premises	200
17.03(1)(c)	Building or Structure Erected, Altered or Used	200
17.05(1),(2)	Forestry District Uses	200
17.06(1),(2)	Recreation District Uses	200
17.07(1),(2)	Unrestricted District Uses	200
17.08(1),(2), (3),(4),(6),(7), (8)	NonConforming Uses	200

**AGRICULTURAL PERFORMANCE STANDARDS/ANIMAL WASTE REGULATIONS**

18.10(1)	Permit Required	250
18.03(2)(a)	Waste Storage Facility or Feedlot Construction	250
18.03(2)(b)	Overflowing, Leaking, or Operated Improperly	250
18.03(2)(b)	Absent or Nonfunctioning Safety Devices	250
18.03(2)(b)	Contents Not Spread Following Management Plan	250
18.03(2)(b)	Deliberate Conveying Manure to Ground	500
18.03(2)(b)	Filled Above Max. Operating Level	250
18.03(2)(c)	Abandoned Storage Facilities	250
18.03(2)(d)	Stacked Manure	250
18.03(2)(e)	Animal Feed Lots	250
18.03(3)(a)	Sheet, Rill and Wind Erosion	250
18.03(3)(b)	Diversions	250
18.03(3)(c)	Nutrient Management	250
18.04(1)(c)	Animal Waste Prohibitions	250
18.04(1)(d)	Animal Waste Stacking	250
18.04(2)	Cropland Performance Standards and Prohibitions	250

**FLOODPLAIN ZONING**

19.04(1)(a)	Development in a Floodplain	200
19.05(2)	Permitted Uses Floodway	100
19.05(3)	Standards for Development Floodway	200
19.05(4)	Prohibited Uses Floodway	200

19.06(2)	Permitted Uses Floodfringe	100
19.06(3)	Standards for Development Floodfringe	200
19.07(2)	Permitted Uses General Floodplain	100
19.07(3)	Standards for Development General Floodplain	200
19.08(1)	Nonconforming Uses General	100
19.08(1)	Nonconforming Uses Floodway	100
19.08(1)	Nonconforming Uses Floodfringe	100
19.09(2)	Land Use Permit	200
19.09(3)	Certificate of Compliance	100

#### **NON-METALLIC MINING RECLAMATION**

20.11(1)	General Standards of Reclamation	200
20.11(2)	Surface Water and Wetlands Protection	200
20.11(3)	Groundwater Protection	200
20.11(4)	Topsoil Management	100
20.11(5)	Final Grading and Slopes	100
20.11(6)	Topsoil Redistribution	100
20.11(7)	Revegetation and Site Stabilization	100
20.11(9)	Intermittent Mining	100
20.11(10)	Maintenance of Reclaimed Areas	100
20.12(3)	Nonmetallic Mining Reclamation Permit Application	100
20.14 (1),(3)	Financial Assurance Requirements	200
20.16(1)	Nonmetallic Mining Reclamation Permit	200
20.23(1),(3)	Permit or Reclamation Plan Modification	100
20.24(3)	Permit Suspension or Revocation	200
20.25(1)	Annual Operator Reporting	200
20.27(1)	Annual Fees	200

#### **SHORELAND/WETLAND ZONING REGULATIONS**

21.04(1)	Land Division Review	100
21.04(3)	Certified Survey Maps	100
21.04(4)	Subdivisions	100
21.04(10)(a)	Wells	100
21.04(10)(b)	Private Sewage Systems	200
21.04(11)	Waste Disposal	200
21.05(1)	Minimum Area and Width of Lots	100
21.05(2)	Side Yards for Parcels	100
21.05(3)	Principal Structures	100
21.05(4)	Lake Access Lots	100
21.05(5)	Outlots	100
21.05(6)	Sustandard Lots	100
21.06(1)	Setback from Ordinary Highwater Mark	100
21.06(2)	Setback from Highways	100
21.06(4)	Boathouses	100
21.06(5)	Fences	100

21.06(6)	Square Footage of Living Space	100
21.06(7)	Stairways, Walkways and Motorized Lifts	100
21.08(8)	Travel Trailers or Recreational Vehicles	100
21.07(2)	Shoreland Cutting	200
21.07(2)(a)	Clear Cutting	200
21.07(2)(b)	Selective Cutting	200
21.08(2)	Filling, Grading, Lagooning, Dredging, Ditching and Excavating	200
21.09(1)	Waters Classification Overlay District	100
21.09(2)	General Purpose District	100
21.09(3)	Residential-Recreation District	100
21.09(4)	Shoreland-Wetland District	100
21.09(5)	Conservancy District	100
21.11(2)	Zoning Permits	200
21.11(4)	Failure to Comply with Conditions Attached to Conditional Use Permits	200

**LAND DIVISION SUBDIVISION**

23.04 (1)	Application and Review of Subdivisions	200
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(Ord #306 12/19/06)