

Proposed New Zoning Ordinance Sections 4-10.01 and 4-10.02 Violation Enforcement and Penalty Provision

4-10.01 VIOLATION ENFORCEMENT

Any property owner, their agent, contractor, or responsible party who fails to comply with the provisions of this Ordinance, the Wisconsin Statute(s), and/or Administrative Code(s) applicable to this Ordinance shall hereafter be deemed in violation of this ordinance and a "Violator" as defined herein.

(A) The Lafayette County Planning & Zoning Manager, or designee, upon reasonable cause, or question as to proper compliance, may revoke, or suspend any permit governed by this Ordinance and issue directives and/or an Order for Correction for failure to meet the terms of an issued Zoning Permit, or any other violation of this Ordinance.

(B) Any person issued an Order for Correction or letter notice by the Lafayette County Planning & Zoning Manager, or designee in accordance with this Ordinance who resists enforcement, refuses to comply, or avoids violation correction, shall be subject to fines, penalties, and prosecuted by Corporation Counsel pursuant to this section and section 4-10.02.

(C) Construction of items, homes, land, structures, land alteration, and any other applicable works in progress found in violation of this Ordinance, shall cease upon issuance of an Order for Correction or notice letter, and/or any on-site issuance of a Stop Work Order by the Manager, or designee and all construction work shall remain stopped until the Manager, or designee release the order.

(D) If an owner of a property has an ongoing violation to this Ordinance and in response to an Order for Correction or notice letter, issued by the Manager, or designee to prevent, or abate a human health hazard as described in § 254.59 Wisconsin Statutes and as defined and prescribed by the Lafayette County Public Health Nuisance Ordinance, and fails to correct, or remove the health hazard as ordered, the County may enter upon the property and cause to have such human hazard corrected, or removed from the property and place the actual costs of doing the correction, or removal on the property owners property tax bill as a special assessment.

4-10.02 PENALTY PROVISION:

Any person who violates any of the provisions of this Ordinance, except as otherwise provided shall upon determination and/or adjudication of such violation be subject to a penalty and/or penalties as defined herein. Each day a violation continues to occur, shall constitute a separate violation and offense.

(A) The Lafayette County Sheriff's Office members are hereby authorized to issue citations to person or organizations, corporations, partnerships, or entities that violate this ordinance upon completion of the investigation of the Lafayette County Health Department or its designee.

(B) A citation issued to any violator of this ordinance shall include all the information required for citations by Section 66.0113 of the Wisconsin Statutes.

(C) If the violator receives a summons in addition to the citation, the violator must appear in court for the hearing on the citation.

(D) Any citation and/or citation and summons issued under this ordinance can be served on the violator/defendant by the Lafayette County Sheriff's Office either in person or via mail.

(E) A violator receiving a citation under this ordinance must pay a forfeiture deposit ranging from fifty dollars (\$50.00) to five hundred dollars (\$500.00), plus statutory costs, assessments, surcharges and fees. Upon finding of guilty or no contest to the citation, fees, fines amounts, or any restitution can be paid to the Lafayette County Clerk of Courts or by following instructions on the citation.

(F) Any person, entity, and/or violator who, upon conviction pursuant to a lawsuit complaint, is found guilty of violating this Ordinance, or any part thereof shall forfeit not less than one hundred dollars (\$100.00), or not more than one thousand dollars (\$1000.00) for each offense, in addition to the costs of prosecution, for each day of violation. Default in payment may result in imprisonment in the Lafayette County Jail for a period not to exceed six months for contempt.