

February 9, 2010 **CITATION ORDINANCE**

CITATION ORDINANCE - #2010 - 01
Town of Belvidere ♦ Buffalo County

WHEREAS, The Town of Belvidere, Buffalo County, has passed a DRIVEWAY ORDINANCE on December 9, 2009, effective JANUARY 1, 2010 to regulate all modifications or reworking of existing or new driveways/field roads that abut any Town Road; and

WHEREAS, In order to obtain a Permit for all modifications or reworking of existing or new driveways/field roads the property owner shall contact the Town Clerk to obtain the Application and Specification Booklet to comply with this Ordinance; and

WHEREAS, The Town of Belvidere requires the application, fee and permit prior to any construction commencing by the landowner; and

The Penalty for such Violation shall be:

Forfeitures. Should a driveway be constructed or modified in violation of the provisions of this Ordinance, or create a hazard that is not corrected within 30 days of notification, the owner(s) of the land through which the driveway passes shall, upon conviction, pay a forfeiture of not less than \$25 nor more than \$50, plus applicable surcharges and court costs, for each violation. Each successive 30-day period in which the correction is not made will be considered a new violation and subject to another penalty. An unlawful driveway constitutes a public nuisance and may be enjoined.

Corrections. In addition, the landowner shall make the corrections ordered by the Town Board within 30 days or a period of time determined by the Town Board.

Now, THEREFORE, The Town of Belvidere Board ordains as follows:

SECTION I - PURPOSE

The purpose of this Ordinance is to authorize the Town Board, or its designees, to issue citations for violations of Ordinance 2009 - 05, or other Ordinances adopted to enforce any other law or regulation.

SECTION II - AUTHORITY

The Town Board of the Town of Belvidere, Buffalo County, Wisconsin, has the specific authority under s. 66.0113, Wis. Stats., to adopt this ordinance.

SECTION III - ADOPTION OF ORDINANCE

This Ordinance, adopted by a majority of the town board on a roll call vote with a quorum present and voting and proper notice having been given, provides the authority for the town to issue citations for violation of Town of Belvidere ordinances.

SECTION IV - COVERAGE

The form for Citation to be issued in the Town of Belvidere by the Town Board, or its designees, shall include the following: name and address of the alleged violator, the factual allegations describing the alleged violation, the time and place of alleged violation, the number of Ordinance violated, the time at which the alleged violator may appear in court, a statement that in essence informs the alleged violator that they may make a cash deposit of a specified amount to be mailed to a designated official within a specified time in lieu of appearing in court which constitutes a tendered plea of no contest to such forfeiture. If no cash deposit is made and does not appear in Court at the time specified, the Court may issue a summons or a warrant for the defendant's arrest or consider the nonappearance to be a plea of no contest and enter judgment under s. 66.0113 (3)(d), Wis. Stats.; Also a direction that if the alleged violator elects to make a cash deposit, the alleged shall sign an appropriate statement that accompanies the citation to indicate that they read the statement required under s. 66.0113(1)(b)7., Wis. Stats., and shall send the signed statement with the cash deposit, and any other information as may be deemed necessary.

TOWN BOARD APPROVAL

The Town Board of the Town of Belvidere adopted the Citation Ordinance at a meeting held on the _9th_ day of February, 2010.

APPROVED BY:

/s/ David Danzinger David Danzinger, Chairperson

/s/ Warren Rivette
Warren Rivette, Supervisor

/s/ Robert Tuxen
Robert Tuxen, Supervisor

ATTESTED BY:

/s/ Deborah m Ruff
Deborah M Ruff, Clerk

The town clerk shall properly post or publish this ordinance as required under s. 60.80. Wis. Stats.