

CHAPTER 15: ISSUANCE OF CITATION FOR TOWN ORDINANCE VIOLATIONS

15.01. Title/Purpose.

This chapter is entitled "Issuance of Citation For Town Ordinance Violations." The purpose of Chapter 15 is to establish the right to use the citation method for enforcement of Town ordinances.

15.02. Citation Method Adopted.

Pursuant to Wis. Stat. § 66.0113, the Town hereby establishes the use of the citation method to enforce violations of Town ordinances.

15.03. Form of Citation.

Any citation shall contain the following:

- A. The name and address of the alleged violator.
- B. The factual allegations describing the alleged violation.
- C. The time and place of the offense.
- D. The section of the ordinance violated.
- E. A designation of the offense in a manner as can readily be understood by a person making a reasonable effort to do so.
- F. The time at which the alleged violator may appear in court.
- G. A statement which in essence informs the alleged violator:
 - (1) That a cash deposit based on the schedule established by this chapter may be made which shall be delivered or mailed to the Clerk of Circuit Court prior to the time of the scheduled court appearance.
 - (2) That if a deposit is made, no appearance in court is necessary unless he or she is subsequently summoned.
 - (3) That if a cash deposit is made and the alleged violator does not appear in court, he or she will be deemed to have entered a plea of no contest, or if the court does not accept the plea of no contest, a summons will be issued commanding him or her to appear in court to answer the complaint.

(4) That if no cash deposit is made and the alleged violator does not appear in court at the time specified, an action may be commenced to collect the forfeiture.

(5) A direction that if the alleged violator elects to make a cash deposit, the statement which accompanies the citation shall be signed to indicate that the statement required hereunder has been read. Such statement shall be sent or brought with the cash deposit.

15.04. Schedule of Deposits.

A. The following schedule of cash deposits is established for use with citations issued under this chapter:

<u>Ordinance Section</u>	<u>Offense</u>	<u>Deposits And Costs</u>
Chapter 8	Nuisance Violations	\$100.00 forfeiture plus penalty assessment, jail assessment, and prosecution costs
Chapter 9	Alcohol Violations	\$100.00 forfeiture plus penalty assessment, jail assessment, and prosecution costs
Chapter 11	Mobile Home Violations	\$50.00 forfeiture plus penalty assessment, jail assessment, and prosecution costs
Chapter 13	Town Road Violations	\$50.00 forfeiture plus penalty assessment, jail assessment, and prosecution costs
Chapter 14	Other License	\$50.00 forfeiture plus penalty assessment, jail assessment, and prosecution costs

B. Penalty assessment of 20 percent shall be added to the costs listed above.

C. Deposits shall be made in cash, money order, or certified check to the Clerk of Circuit Court, who shall provide a receipt therefor.

15.05. Issuance of Citation.

The following officials may issue citations with respect to ordinance violations: Town Chairperson and Town Clerk, and, as provided in subsection 8.06.B. of the Municipal Code, the Building Inspector.

15.06. Procedure.

Wis. Stat. § 66.0113(3), relating to violator's options and procedures on default, is hereby adopted and incorporated by reference.

15.07. Nonexclusivity.

A. **Other Ordinance.** Adoption of this chapter does not preclude the Town Board from adopting any other ordinance or providing for the enforcement of any other law or ordinance relating to the same or other matters.

B. **Other Remedies.** The issuance of a citation under this chapter shall not preclude the Town Board or any authorized office from proceeding under any other ordinance or law or by any other enforcement method to enforce any ordinance, regulation, or order.

15.08. Severability.

If any provision of this chapter is invalid or unconstitutional, or if the application of this chapter to any person or circumstances is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the provisions or applications of this chapter which can be given effect without the invalid or unconstitutional provision or application.