

CHAPTER 13

ISSUANCE OF CITATIONS FOR VIOLATIONS OF TOWN ORDINANCES

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13.001 – TITLE

ORDINANCE RELATING TO ISSUANCE OF CITATIONS FOR VIOLATIONS OF TOWN ORDINANCE.

13.002 – STATUTORY AUTHORITY

Pursuant to Section 66.119 of Wisconsin Statutes, the Town Board hereby elects to use the citation method of enforcement of Town ordinances described herein, or in a separate ordinance, including those for which a statutory counterpart exists.

13.003 – FORM OF CITATION

A. The citation shall contain 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 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 based on the schedule established by this or other Town ordinance may be made, which shall be delivered or mailed to the Clerk of courts prior to the time of the scheduled court appearance.
 - b. That if a deposit is made, no appearance in court is necessary unless the defendant is subsequently summoned.
 - c. That if a cash deposit is made and the alleged violator does not appear in court, he/she will be deemed to have entered a plea of no contest, and submitted to a forfeiture with applicable penalty assessment, or if the court does not accept the plea of no contest, a summons will be issued commending him to appear in court to answer the complaint

- d. That if no cash deposit is made and the alleged violator does not appear in court at the time specified, the court may issue a summons or warrant for the defendant's arrest, or consider the non-appearance to be a plea of no contest and enter judgement, or an action may be commenced to collect the forfeiture.
8. 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 under (7) above has been read. Such statement shall be sent or brought with the cash deposit.
9. A statement that if the court finds that the violation involves an offense that prohibits conduct prohibited by State Statute punishable by fine or imprisonment or both, and that the violation resulted in property damage or physical injury to a person other than the alleged violator, the court may summon the defendant into court to determine if restitution shall be ordered under Section 800.093 (municipal court).
10. Such other information as the Town deems necessary.

13.004 – ISSUANCE OF CITATION

The following official may issue citations with respect to those specified ordinances which are directly related to their official responsibilities. **Rev 0707**

ORDINANCE TITLE

ENFORCEMENT OFFICIAL

CHAPTER 2

Ordinance Regulating Parks

Town Board, Zoning Administrator, or any County Sheriff's Dept. Officer

CHAPTER 3

Burning and False Alarm

Town Board member, Zoning Administrator or any County Sheriff's Dept. Officer

Curfew

Town Board member, Zoning Administrator, or any County Sheriff's Dept. Officer

Street Numbers

Town Board or Zoning Administrator

Hunting Ordinance

Town Board member, Zoning Administrator or any County Sheriff's Dept. Officer

Nuisance Ordinance

Town Board member, Zoning Administrator or any County Sheriff's Dept. Officer

Newspaper Ordinance

Town Board or Zoning Administrator

Animals

Town Dog Catcher, Town Board member, Zoning Administrator, Health Officer, or any Sheriff's Dept. Officer

CHAPTER 4

Building Code

Building Inspector, Zoning Administrator, or Town Board member

CHAPTER 5

Flammable Liquids	Town Board member or Zoning Administrator
Culverts	Town Board member or Zoning Administrator
Non-Metallic Mining	Brown County, or any Sheriff's Dept. Officer
Explosives and Blasting	Town Board member, Zoning Administrator, or any Sheriff's Dept. Officer

CHAPTER 6

Zoning Ordinance	Town Board member or Zoning Administrator
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CHAPTER 7

Holding Tanks	Town Board member or Zoning Administrator
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CHAPTER 8

New Roads	Town Board member or Zoning Administrator
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CHAPTER 9

Recycling	Town Board member or Zoning Administrator
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CHAPTER 10

Transportation, Disposal, Storage And Treatment of Solid Waste	Town Board member or Zoning Administrator
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CHAPTER 11

Agricultural and Shoreland Management Standards	Town Board member or Zoning Administrator
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CHAPTER 12

Cemetery	Town Board member or Zoning Administrator
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13.005 – SCHEDULE OF DEPOSITS**Rev 0707**

<u>ORDINANCE TITLE</u>	<u>OFFENSE</u>	<u>DEPOSITS & COSTS</u>
CHAPTER 2		
Regulating Parks	Violation	\$75.00-\$200.00, ea. Offense
CHAPTER 3		
3.001 – 3.2006 Burning and False Alarm	Violation	Actual Cost. If not paid, placed on property bill
3.101 – 3.108 Curfew	Violation	1 st offense – none Then \$75.00 - \$500.00 Each offense
3.201 – 3.202 Street Numbers	Violation	\$75.00-\$200.00, each day a separate violation, have 30 days to comply.
3.301 Hunting	Violation	\$75.00 - \$200.00
3.401 – 3.403 Nuisance	Violation	\$75.00-\$200.00, each day a separate violation.
3.501 Newspaper Box	Violation	\$75.00-\$200.00
3.601 – 3.622 Animals	Violation	\$75.00-\$1,000.00, each day a separate offense. Confinement costs, + expenses
3.701 State Traffic Law Adopted		State Traffic Bond Schedule
3.703 & 3.704 Compression Brakes Prohibited and Disorderly Conduct with a Motor Vehicle		\$75.00 - \$200.00

CHAPTER 10

Public Sanitation,
Transportation, Storage, &
Treatment of Solid Waste &
Nuisances

Violation

\$50.00 - \$1,000.00 for
each offense

CHAPTER 11

Agricultural Shoreland
Management

Violation

\$100.00 - \$200.00, each day

CHAPTER 12

Cemetery

Violation

\$100.00 - \$300.00

ALL OFFENDERS MUST PAY CURRENT COURT COSTS & ASSESSMENTS, OVER AND ABOVE THE DEPOSITS AND COSTS.

Deposits shall be made in cash, money order, or certified check to the Clerk of the Municipal court, who shall provide a receipt therefore.

13.006 – PROCEDURE

Section 66.119 (3), Wisconsin Statutes relating to violator's options and procedures on default is hereby adopted and incorporated by reference.

13.007 – NONEXCLUSIVITY

A. OTHER ORDINANCE

Adoption of this ordinance 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 matter.

B. OTHER REMEDIES

The issuance of a citation hereunder 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.

13.008 – SEVERABILITY

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