

ORDINANCE NO. L021401-1A

ORDINANCE RELATING TO ISSUANCE OF CITATIONS FOR VIOLATIONS OF TOWN ORDINANCES

SECTION 1 – 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 separate ordinance, including those for which a statutory counterpart exists.

SECTION 2 – FORM OF CITATION

The citation shall contain the following:

- a) The name and address of the alleged violator;
- b) The factual allegations describing the alleged violations;
- c) The time and place of the offense;
- d) The section of the ordinance violated;
- e) A designation of the offense in such 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 or other town ordinance may be made which shall be delivered or mailed to the Clerk of Court prior to the time of the scheduled court appearance.
 2. That if a deposit is made, no appearance in court is necessary unless the defendant is subsequently summoned.
 3. That if a cash deposit is made and the alleged violator does not appear in court, he 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 commanding him 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, 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 judgment, or an action may be commenced to collect the forfeiture.
- h) 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 "g" above has been read. Such statement shall be sent or brought with the cash deposit.
- i) 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 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).
- j) Any such other information that the town deems necessary.

SECTION 3 – SCHEDULE OF DEPOSITS

<u>ORDINANCE TITLE</u>	<u>OFFENSE</u>	<u>DEPOSIT & COSTS</u>
L091300-1 Building Code	Violation of any provision	\$50 plus current court costs
L011200-1 Regulation of Dogs, Cats, Exotic Animals and Licensing of Dogs	Violation of any provision	\$25 plus current court costs
L041200-1A Driveway and Culvert Ordinance	Violation of any provision	\$100 plus current court costs
L030800-1 Regulation of Public Entertainment	Violation of any provision	\$500 plus current court costs
L101100-01 Regulation of Fishing Rafts on the Wolf and Embarrass Rivers	Violation of any provision	\$50 plus current court costs
L101205-1 Nuisances	Violation of any provision	\$200 plus current court costs

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

SECTION 4 – ISSUANCE OF CITATION

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

<u>ORDINANCE TITLE</u>	<u>ENFORCEMENT OFFICIAL</u>
Building Code	Building Inspector, Supervisor, Chairperson
L011200-1 Regulation of Dogs, Cats, Exotic Animals and Licensing of Dogs	Constable, Chairperson, Supervisor
L041200-1A Driveway and Culvert Ordinance	Building Inspector, Supervisor, Chairperson
L030800-1 Regulation of Public Entertainment	Constable, Supervisor, Chairperson
L101100-01 Regulation of Fishing Rafts on the Wolf and Embarrass Rivers	Constable, Supervisor, Chairperson
L101205-1 Nuisances	Constable, Supervisor, Chairperson

SECTION 5 – PROCEDURE

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

SECTION 6 – NONEXCLUSIVITY

1. 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.
2. OTHER REMEDIES – The issuance of a citation hereunder shall not preclude the Town Board or any authorized office from proceedings under any other ordinance or law or by any other enforcement method to enforce any ordinance, regulation or order.

SECTION 7 - SEVERABILITY

The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful, or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and shall not affect the validity of any other provisions, sections, or portions thereof of the ordinance. The remainder of the ordinance shall remain in full force and effect. Any other ordinance whose terms are in conflict with the provisions of this ordinance are hereby repealed as to the terms of that conflict.

SECTION 8 – EFFECTIVE DATE

This ordinance shall take effect immediately upon passage and posting or publication as provided by law.

Dated this _____ day of _____, 2008

By: _____
Francis J. Vorachek, Chariman

Tom Lambie, Supervisor

William Jurack, Supervisor

I, Kristi Blumreich, Clerk of the Town of Liberty do hereby certify that this is an exact and true copy of ordinance L021401-1A passed by a majority vote, with a quorum present by the Town Board of Liberty.

Given under my hand and seal this _____ day of _____

Kristi Blumreich, Clerk