

TOWN OF ATHELSTANE
ORDINANCE RELATING TO ISSUANCE OF CITATIONS
VIOLATIONS OF TOWN ORDINANCES
ORDINANCE # 22

The Town Board of Athelstane, Marinette County, Wisconsin does hereby ordain as follows;

Statutory Authorization:

This Ordinance is adopted pursuant to the authorization in Wi.Stats. 62.3(2)(3) and 60.22 (3)

SECTION 1 STATUTORY AUTHORITY

Pursuant to Sec. 66.0113 Wis. Stats., 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.

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 violation
- c.** The time and place of 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 Stats. 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 summons the defendant into court to determine if restitution shall be ordered under Section 800.093 (municipal court).

j. Such other information as the town deems necessary.

SECTION 3 SCHEDULE OF DEPOSITS

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

Ordinance Title:	Offense	Deposits & Costs
Building Ordinance #1	Violation	\$200.00
Dogs/Cats Running at Large #2	Violation	\$25.00 to \$200.00
Eye Sore Ordinance #3	Violation	<u>Expense of violation</u> <u>Added to owners Tax bill.</u>
Highway/Road Ordinance #4	Violation	\$25.00 to \$100.00 Plus Cost of prosecution
Land Division Ordinance # 5	Violation	\$100.00 to \$500.00
License/Registration Ordinance # 6	Violation	\$5.00 to \$200.00
Penalty Ordinance # 7	Violation	\$10.00 to \$200.00 Plus Cost of prosecution

Litter Ordinance # 21

Violation

Entire expense to
Remove litter plus Expenses

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

SECTION 4 ISSUANCE OF CITATION

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

ORDINANCE TITLE	ENFORCEMENT OFFICIAL
Building ordinance	Town Board or Designee
Dogs/Cats running Ordinance	Town Board or Designee
Eye Sore Ordinance	Town Board or Designee
Highway/Road Ordinance	Town Board or Designee
Land Division Ordinance	Town Board or Designee
License Ordinance	Town Board or Designee
Signal Receiving Ordinance	Town Board or Designee
Litter Ordinance	Town Board or Designee

SECTION 5 PROCEDURE

Section 66.113(3) Wis. Stats., relating to violator’s options and procedures on default is hereby adopted and incorporated by reference.

SECTION 6 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 of any authorized office from proceedings under any other ordinance or by any other enforcement method to enforce any ordinance, regulation or order.