

Title 9 Chapter 3

Citation Issuance/Schedule of Deposits

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Sec. 9-3-1 Title/Purpose

The Title of this Chapter is Ordinance Violations. The purpose of this Chapter is to authorize the use of citations for violations of Ordinances.

Sec. 9-3-2 Authority

This Chapter is enacted under the authority of §66.0113, Wis. Stats.

Sec. 9-3-3 The Citation

- (A) Required Information. The citation shall contain the following:
- (1) The name and address of the alleged violator.
 - (2) 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 be readily 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 ordinance may be made which shall be delivered or mailed to

the Columbia County Clerk of Circuit Court prior to the time of the scheduled court appearance.

(b) That if a cash deposit is made, no appearance in court is necessary unless he or she is subsequently summoned.

(c) That if a cash deposit is made and the alleged violator does not appear in court, the alleged violator will be deemed to have entered a plea of no contest and submitted to a forfeiture not to exceed the amount of the deposit, plus costs on any applicable assessments or, if the court does not accept the plea of no contest, a summons will be issued for the alleged violator to appear in court to answer the citation.

(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 a warrant for the defendant's arrest or consider the nonappearance to be a plea of no contest and enter judgment, or the Town may commence an action against the alleged violator to collect the forfeiture, plus costs and any applicable assessments.

(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 subparagraph (7) above has been read. Such statement shall be sent or brought with the cash deposit.

(9) Such other information as may be deemed necessary by the Town.

(B) Format. The form of the citation shall be uniform and used by all law enforcement officers and other town officials.

Sec. 9-3-4 Penalties/Schedule of Deposits

(A) General Penalty. Except where a penalty is provided elsewhere in this Code, any person who shall violate any of the provisions of this Code shall upon conviction of such violation, be subject to a penalty, which shall be as follows:

(1) First Offense Penalty. Any person who shall violate any provision of this Code shall, upon conviction thereof, forfeit not less than Twenty-five Dollars (\$25.00) nor more than One Thousand Dollars (\$1,000.00), together with the costs of prosecution and, in default of payment of such forfeiture and costs of prosecution, shall be imprisoned in the County Jail

until such forfeiture and costs are paid or when there is appropriate credit for time served.

(2) **Second Offense Penalty.** Any person found guilty of violating any ordinance or part of an ordinance of this Code who shall previously have been convicted of a violation of the same ordinance within one year shall upon conviction thereof, forfeit not less than Fifty Dollars (\$50.00) nor more than One Thousand Dollars (\$1,000.00) for each such offense, together with costs of prosecution and in default of payment of such forfeiture and costs shall be imprisoned in the County Jail until such forfeiture and costs of prosecution are paid or when there is appropriate credit for time served.

(B) **Continued Violations.** Each violation and each day a violation continues or occurs shall constitute a separate offense. Nothing in this Code shall preclude the Town from maintaining any appropriate action to prevent or remove a violation of any provision of this Code.

(C) **Other Remedies.** The Town shall have any and all other remedies afforded by the Wisconsin Statutes in addition to the forfeitures and costs of prosecution above. Whenever any person fails to pay a forfeiture and costs of prosecution upon the order of any court for violation of any ordinance of the Town, the court may, in lieu of ordering imprisonment of the defendant, or after the defendant has been released from custody, issue an execution against the property of the defendant for said forfeiture and costs.

(D) **Schedule.** The following schedule of deposits is established for use with citations issued under this ordinance; however, the maximum cash deposit for a child under the age of 18 years shall be \$25.00.

(E) **Additional Fees.** In addition to the appropriate cash deposit amount as established above, all citations issued under this ordinance shall further specify the corresponding penalty assessments, court costs, court automation fee, and jail assessment.

(F) **Payment.** Deposits shall be paid in cash, money order or cashier's check to the Columbia County Clerk of Circuit Court who shall provide a receipt therefor.

(G) **Violation Letters.** The Town may issue a violation letter before a citation is issued that explains the violation and gives the violator the option of paying the deposit within seven (7) business days to avoid court costs and penalty assessments. If the forfeiture is not paid within seven (7) business days, a

citation will be issued which will consist of the forfeiture, plus court costs and applicable assessments.

(H) Non-Payment. Any person who fails to comply with any provision of this code shall, upon conviction thereof, pay the forfeiture provided, and in default of payment of such forfeiture, shall be imprisoned in the county jail until payment thereof, but not to exceed six months.

Schedule of Deposits

<u>Chapter</u>	<u>Offense</u>	Penalty range		Deposit	
		1st	2nd*	1st	2nd*
3-1-3 & 3-1-4	Firearm Discharge Prohibitions	\$50-\$100	\$100-\$200	\$75	\$150
3-2-10	Fireworks	\$50-\$250	\$250-\$1,000	\$75	\$150
3-3-12	At large, Untagged Dogs	\$50-\$100	\$100-\$200	\$75	\$150
3-3-18(A)	Failure to Obtain Vaccination	\$50-100	\$100-\$200	\$75	\$150
3-3-18(B)	Failure to Quarantine	\$100-500	\$100-500	\$100	\$350
6-1-13	Prohibited Discharges	\$250-\$1,500	\$500-\$1,500	\$650	\$1,500
6-1-14	Disposal of Garbage and Rubbish	\$50-\$100	\$100-\$200	\$75	\$150
6-2-28	Sexually Oriented Businesses	\$100-\$500	\$100-\$1,000	\$100	\$500
7-1-12	Mobile Home Licensing	\$50-\$100	\$100-\$200	\$75	\$150
7-2-13	Junk Shops or Yards	\$50-\$100	\$100-\$200	\$75	\$150

* And any subsequent violations

7-3-8	Alcohol Control	\$100-\$500 ¹	\$100-750 ²	\$250 ¹	\$500 ²
8-1-7	Speed Limits	The penalty and cash deposit amount for traffic citations shall be pursuant to the Wisconsin Revised Uniform State Traffic Deposit Schedule as amended from time to time.			
9-1-10	Public Nuisance	\$50-\$100	\$100-\$200	\$75	\$150
9-2-5	Non Sufficient Funds Checks Land	\$50-\$100	\$100-\$200	\$75	\$150
10-1-12	Division Violations Erosion Control &	\$50-\$500	\$50-\$500	\$200	\$400
11-1-12	Stormwater Runoff Violations Building Control Permit	\$50-\$500	\$50-\$500	\$200	\$400
12-1-9	Violations Town Road	\$50-200	\$100-200	\$75	\$150
13-1-7	Access Violations Private	\$50-200	\$100-200	\$75	\$150
13-2-18	Driveway Violations Weight	\$50-200	\$100-200	\$75	\$150
13-3-7	Limit Violations	\$50-100	\$100-200	\$75.00	\$150.00

1 If the person has not committed a previous violation within 30 months of the current violation

2 If the person has committed a previous violation within 30 months of the current violation

Sec. 9-3-5 Issuance of Citation

Any law enforcement officer may issue citations for enforcement of any ordinances authorized under this Chapter. In addition, the Town Constable, if any, the Town Chairperson and Town Engineer or Building Inspector when applicable to their duties are hereby authorized to issue citations for enforcement of any ordinances authorized under this Chapter.

Sec. 9-3-6 Procedure

The provisions of Section 66.0113(3) of the Wisconsin Statutes, as may from time to time be amended, relating to violator's options and procedure on default are hereby adopted and incorporated herein by reference.

Sec. 9-3-7 Nonexclusivity

Adoption of this chapter in no way precludes the Town Board from adopting any other ordinance or providing for the enforcement of any other law or ordinance relating to the same or any other matter. The issuance of a citation hereunder shall not preclude the Town Board or any authorized officer from proceeding under any other law or ordinance or by any other enforcement method to enforce any ordinance, regulation or order.

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