# Citation Ordinance

# Town of Dovre

# Barron County, Wisconsin

# Ordinance 2017 - \_\_03\_\_\_\_\_\_

The Town Board of the Town of Dovre, Barron County, Wisconsin, ordains as follows:

**Section One**: Introduction:

* 1. Title/Purposes

The title of this Ordinance is the Town of Dovre Citation Ordinance, whose purpose it is to authorize the Town Board of the Town of Dovre, or its designees, to issue citations for violations of Town of Dovre ordinances, including ordinances with statutory counterparts.

* 1. Authority

The Town Board of the Town of Dovre (“Town”) has the specific authority under Wis. Stat. § 66.0113 to adopt this ordinance.

* 1. Adoption of Ordinance

The Town Board hereby provides the authority for the Town to issue citations for violations of Town ordinances, including ordinances with statutory counterparts.

* 1. Policy on Issuance and Multiple Citations

In its discretion, the Town may issue citations to enforce its ordinances. As a general policy, the Town may attempt to resolve a violation with an alleged offender before issuing a citation. However, the Town may issue a citation without first trying to resolve a violation when the Town feels the situation warrants, such as repeat offenses, uncooperative offenders, public safety situations, etc. Issuance of a citation or payment of forfeitures associated with a citation does not relieve the offender of responsibility for taking corrective action to be in compliance with Town ordinances. Unless noted otherwise, corrective action shall occur within two weeks of citation issuance. When public safety is in jeopardy, corrective action shall be taken immediately. Each day a violation continues is a new violation, and the Town may issue a new citation for each day a violation continues.

* 1. Relation to Other Laws

The authorization for use of a citation under this Ordinance shall not preclude the Town Board from adopting any other ordinance, or providing for the enforcement of any other law or 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 under this Ordinance does not preclude proceeding under any other ordinance or law relating to the same or any other matter. Proceeding under any other ordinance or law relating to the same or any other matter does not preclude the issuance of a citation under this ordinance.

* 1. Interpretation

In their interpretation and application, the provisions of this Ordinance shall be held to be the minimum, shall be liberally construed in favor of the Town and shall not be deemed a limitation of repeal of any other power granted by Wisconsin Statutes.

* 1. Severability

If a court of competent jurisdiction adjudges any section, provision or portion of this Ordinance unconstitutional or invalid, the remainder of this Ordinance shall not be affected thereby.

* 1. Conflict

If this is found to be inconsistent or conflicting with any other Town ordinance, to the extent of the inconsistency or conflict, this Ordinance shall govern.

* 1. Effective Date

This Ordinance shall take effect upon passage and adoption by the Town Board and posting as provided by law. The town clerk shall properly post or publish this ordinance as required under Wis. Stat. § 60.80.

# Section 2 - General Provisions

1. Jurisdiction/Applicability

The issuance of a citation by a person authorized to do so under this Ordinance shall be deemed adequate process to give the appropriate court jurisdiction over the subject matter of the offense for the purpose of receiving cash deposits and other purposes under Wis. Stat. § 66.0113.

1. Disclaimer
2. **Multiple Jurisdictions**. Persons subject to this Ordinance shall be presumed to be aware that the Town is one of several governmental bodies with jurisdiction pertaining to violations of laws and ordinances which occur in the Town. The Town cannot make any representations on behalf of any other government body.
3. **Binding Acts.** No statement or actions by any official, employee, agent or committee of the Town should be construed or taken as a binding act of the Town except a resolution, motion or Ordinance that has been adopted by the Town Board at a lawfully conducted Town Board meeting, or by the Town electorate at a duly constituted Annual or Special Town Meeting. This includes, but is not limited to, interpretation of this Ordinance.
4. Coverage
5. Except as modified by paragraphs B., C., and D., below, the Town Board prescribes that the citations used to enforce Town Ordinance violations shall be as provided in this subsection and shall include all of 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 a manner that 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 that in essence informs the alleged violator of all of the following:
        + 1. That the alleged violator may make a cash deposit of a specified amount to be mailed to a specified official within a specified time.
          2. That if the alleged violator makes a cash deposit, he or she need not appear in court unless subsequently summoned.
          3. That if the alleged violator makes a cash deposit and does not appear in court, he or she either will be deemed to have tendered a plea of no contest and submitted to a forfeiture, plus costs, fees and surcharges imposed under Wis. Stat. ch. 814, not to exceed the amount of the deposit, or will be summoned into court to answer the complaint if the court does not accept the plea of no contest.
          4. That if the alleged violator does not make a cash deposit and 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 under Wis. Stat. § 66.0113(3)(d), or the municipality may commence an action against the alleged violator to collect the forfeiture, plus costs, fees and surcharges imposed under Wis. Stat. ch. 814.
          5. That if the court finds that the violation involves an ordinance that . prohibits conduct that is the same as or similar to conduct prohibited by state statute punishable by fine or imprisonment or both, and that the violation resulted in damage to the property of or physical injury in a person other than the alleged violator, the court may summon the alleged violator into court to determine if restitution shall be ordered under Wis. Stat. § 800.093.
6. A direction that if the alleged violator elects to make a cash deposit, the alleged violator shall sign an appropriate statement that accompanies the citations to indicate that he or she read the statements required under Wis. Stat. § 66.0 l 13(1)(b)7, and shall send the signed statement with the cash deposit.
7. Any other information as may be deemed necessary.
8. The Town Board hereby adopts the attached Schedule of Deposits and Enforcement Officials that are required for various Town ordinance violations, which includes for each listed violation costs, fees and surcharges imposed under Wis. Stat. ch. 814. In addition, the Town may seek reimbursement of reasonable legal fees from ordinance violators.
9. The Schedule of Deposits and Enforcement Officials may be amended at any time by resolution of the Town Board.
10. The Town Board names the following court, clerk of court or other official to whom cash deposits are to be made and require that receipts be given for cash deposits: Barron County Clerk of Circuit Court.
11. Issuance and Service of Citations

The Town Board hereby designates the following officials and employees of the Town, together with all law enforcement officers generally, to issue citations under this Ordinance.

* The Town Chair
* Any Town Board Member
* Town Building Inspector
* Any official or employee named in a specific ordinance authorized to issue citations for violations of that ordinance.
* Those officials listed on the Town Schedule of Deposits and Enforcement Officials.

Town officers granted authority to issue citations are hereby empowered to delegate said authority to employees of the Town under their supervision.

All officers, employees and law enforcement officers authorized to issue citations shall have the power to serve citations in manners consistent with Wis. Stat. § 66.0113.

This ordinance is effective on publication or posting as required by law. The Town clerk shall properly post or publish this ordinance as required under Wis. Stat. § 60.80.

Adopted this \_\_\_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 2017.

By:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Dean Trowbridge, Chairman

Attest:

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Kelly Phillips Town Clerk/Treasurer

# Schedule of Deposits and Enforcement Officials

Before issuing a citation, enforcement officials should contact the Barron County Clerk of Circuit Court to determine current court costs and procedures. Deposits shall be made in cash, money order or certified check to the Barron County Clerk of Court who shall provide a receipt. The Town establishes the following schedule of cash deposits and authorized enforcement official(s) for use with citations issued under this ordinance.

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| --- | --- | --- |
| **Violation** | **Deposit** | **Enforcement Official** |
|  | Some Ordinances contain specific forfeitures and if such ordinance contains such forfeiture, the forfeiture in that Ordinance shall be the amount. | Some Ordinances may specify specific officials and if so, those officials may issue citations, in addition to the officials named in this Schedule of Deposits and Enforcement Officials. |
| All Town Ordinances, violation of which is subject to a forfeiture. | $175.00, plus costs, fees and surcharges imposed by law. | The Town Chair and any Town Board Member, Building Inspector or local law enforcement officers. |