

ORDINANCE NO. 1.1

Town of Waubeek Citation Ordinance

STATE OF WISCONSIN

Town of Waubeek

Pepin County

SECTION I - TITLE AND PURPOSE

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

SECTION II - AUTHORITY

The Town Board of the Town of Waubeek, Pepin County, Wisconsin, has the specific authority under s.66.0113, Wis. stats. to adopt this ordinance.

SECTION III - ADOPTION OF ORDINANCE

The Town Board of the Town of Waubeek, by this ordinance, adopted on proper notice with a quorum and by a roll call vote by a majority of the Town Board present and voting, provides the authority for the Town of Waubeek to issue citations for violations of Town of Waubeek ordinances, including ordinances with statutory counterparts.

SECTION IV - SUBDIVISION AND NUMBERING OF THIS ORDINANCE

This ordinance is divided into sections designated by upper case Roman numerals. Sections may be divided into subsections designated by uppercase letters. Subsections may be divided into paragraphs designated by lowercase letters. Subdivisions may be divided into subdivision paragraphs designated by lower case Roman numerals. Reference to a "section", "subsection", "paragraph", or "subdivision" includes all divisions of the referenced section, subsection, paragraph, or subdivision.

SECTION V - COVERAGE

- A. Except as provided in subsections D and E, the form for citations to be issued in the Town of Waubeek by the Town Board, or its designees, for violation of Town of Waubeek ordinances 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 alleged violation.
4. The number 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 and all of the following:
 - a. That the alleged violator may make a cash deposit of a specified amount to be mailed to a specified official within a specified time.
 - b. That if the alleged violator makes a cash deposit, he or she need not appear in court unless subsequently summoned.
 - c. 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 chapter 814, Wis. stats., 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.
 - d. 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 Warrant for the defendant's arrest or consider the non-appearance to plea of no contest and enter judgment under s.66.0113 (3) (d), Wis. stats., or the municipality may commence an action against the alleged violator to collect the forfeiture, plus costs, fees, and surcharges imposed under chapter 814, Wis. stats.
 - e. 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 to a person other than the alleged violator, the court may summon the alleged violator into court to determine if restitution shall be ordered under s.800.093, Wis. stats.
8. A direction that if the alleged violator elects to make a cash deposit, the alleged violator shall sign an appropriate statement required under s.66.0113(1)(b)7., Wis. stats., and shall send the signed statement with the cash deposit.

9. Any other information as may be deemed necessary.

B. The Town Board adopts the following schedule of cash deposits that are required for the various Town of Waubeek ordinance violations, which includes for each listed violation costs, fees, and surcharges imposed under chapter 814, Wis. stats.

C. The Town Board names the following Court, Clerk of Court, or other official to whom cash deposits are to be made and requires that receipts shall be given for cash deposits.

Pepin County Clerk of Circuit Court.

D. Town Board requires that in traffic regulation violation actions, except for parking regulation violations, uniform traffic citation specified in s. 345.11, Wis. stats., shall be used by the Town of Waubeek in lieu of the citation form noted described in subsection A.

SECTION VI - ISSUANCE AND SERVICE OF CITATION

A. Town of Waubeek citations may be issued by the Town Board of the Town of Waubeek or the Town Board for the Town of Waubeek may designate certain Town of Waubeek, Pepin County, or other municipal officials, with their written approval, to issue such citations.

B. Town of Waubeek citations, in addition, may specifically be issued by the Town of Waubeek Clerk. This official may also designate a person to issue such ordinances for the Town of Waubeek and this official may revoke this authority to issue anytime.

C. The Town of Waubeek Town Board has designated the Town Chair or any person approved by the Town Board to serve any citations for the Town of Waubeek upon issuance. Any person specifically authorized by the Town Board to issue citations by the Town Board of the Town of Waubeek may also serve such citations.

SECTION VII - RELATIONSHIP TO OTHER LAWS

The adoption and authorization for use of a citation under this ordinance does not preclude the Town Board of the Town of Waubeek 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 of 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.

SECTION VIII - SEVERABILITY

If any provision of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this ordinance that can be given effect without the invalid provision of application, and to this end, the provisions of this ordinance are severable.

SECTION IX - EFFECTIVE DATE

This ordinance is effective on publication or posting.

The Town Clerk shall properly post or publish this ordinance as required under s.60.80, Wis. stats.

Adopted this _____ day of _____, 2019.