

CITATION ORDINANCE

WI STATUTES 66.0113

TOWN OF MINONG

ORDINANCE # 23

ORDINANCE FOR THE AUTHORITY UNDER WI STATUTES 66.0113 TO ADOPT A CITATION ORDINANCE FOR THE TOWN OF MINONG

SECTION I - PURPOSE AND AUTHORITY:

The title of this ordinance is the Town of Minong Citation Ordinance. The purpose of this ordinance is for the safety of the community and residents of the Town of Minong, and to authorize the Town Board of the Town of Minong, or its designees, (Town constable) to issue citations for violations of Town of Minong ordinances, including ordinances with statutory counterparts.

SECTION II – ADOPTION OF ORDINANCE:

The Town Board of the Town of Minong, 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 Minong to issue citations for violations of Town of Minong ordinances, including ordinances with counterparts.

SECTION III - CONDITIONS OF ISSUANCE:

1. Town of Minong citations may be issued by the Town Board of the Town of Minong, or the Town Board of the Town of Minong may designate certain Town of Minong, Washburn County, or other municipal officials, with their writer approval, to issue

such citations.

2. Town of Minong citations, in addition, may specifically be issued by the Town board of the Town of Minong or the Town Constable of the Town of Minong. This official may also designate a person to issue such Ordinances for the Town of Minong, and this official may revoke this authority to issue anytime.
3. The Town of Minong Town Board has designated the Town Chair or any person approved by the Town Board to serve any citations for the Town of Minong upon issuance. Any person specifically authorized by the Town board to issue citations by the Town Board of the Town of Minong may also serve such citations.

SECTION IV – COVERAGE

The form for citations to be issued in the Town of Minong by the town board, or its designees, for violations of Town of Minong 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 violation.
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 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 WI 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 a warrant for the defendant's arrest or consider the nonappearance to be a plea of no contest and enter judgment under *s 66.0113 (3) (d) WI 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 WI 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 WI stats.*
8. A direction that if the alleged violator elects to make a cash deposit, the alleged violator shall sign an appropriate statement that accompanies the citation to indicate that he or she read the statement required under *s 66.0113 (1)(b) 7. WI stats* and shall send the signed statement with the cash deposit.
 9. Any other information as may be deemed necessary

The town board adopts the following schedule of cash deposits that are required for the various Town of Minong ordinance violations, which includes for each listed violation costs, fees, and surcharges imposed under *chapter 814 WI stats.*

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:

Washburn County Clerk of Court.

The town board requires that in traffic regulation violation actions, except for parking regulation violations, the uniform traffic citation specified in *s 345.11 WI stats.*, shall be used by the Town of Minong in lieu of the citation form described above.

The Town board requires that in actions for violation of Town of Minong ordinances enacted in accordance with *s 23.33 (11) (am) or 30.77 WI stats.*, the citation from specified in *s23.54 WI stats.*, shall be used in lieu of the citation form noted described above.

SECTION IV - 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 Minong 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 V VALIDITY

Should any section, clause or provision of this Ordinance be declared by the courts to be invalid, the same shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part so declared to be invalid.

Whenever any standard code, rule, regulation, statute or other written or printed matter is adopted by reference, it shall be deemed incorporated in a Code of Ordinances as if fully set forth herein and the Town Clerk/Treasurer shall maintain in their office a copy of any such material as adopted and as amended from time to time. Material on file at the Clerk/Treasurer's office shall be considered public records open to reasonable examination by any person during the office hours of the Town Clerk/Treasurer subject to any restrictions on examination as the Town Clerk/Treasurer imposes for the preservation of the material.

SECTION VI EFFECTIVE DATE

- (A) Code. The code of Ordinances, Town of Minong, Wisconsin when adopted shall take effect as provided by state law.
- (B) Subsequent Ordinances. All Ordinances passed by the Town of Minong subsequent to the adoption of the Code of Ordinances, except when otherwise specifically provided, shall take effect from and after their publication.

State Law Reference: Code of Ordinances, *Sec. 66.035, Wis Stats.*

This ordinance shall be in full force and effective on the _____ day of _____ 2007, after proper notice and publication of said ordinance as required under *s 60.80 WI stats.*

Filed this _____ day of _____ 2007

Approved by:

Town Board – Town of Minong

CHAIRMAN

SUPERVISOR #3

SUPERVISOR #1

SUPERVISOR #4

SUPERVISOR #2

Dated this _____ day of _____ 2007

ATTESTED BY: TOWN CLERK

Town of Minong