

Title: Ordinance to establish a procedure for enforcement by citation

Effective Date: 10/9/2000

Category: Citation Ordinance

STATE OF WISCONSIN

TOWNS OF LAGRANGE & SUGAR CREEK

WALWORTH COUNTY

ORDINANCE NO. _____

AN ORDINANCE TO ESTABLISH A PROCEDURE FOR ENFORCEMENT BY CITATION

Pursuant to Section 66.119, Stats., the Town Boards of LaGrange and Sugar Creek ordain as follows:

SECTION I. USE OF CITATIONS

Citations may be issued for violations of ordinances, including those for which a statutory counterpart exists.

SECTION II. FORM OF CITATION

Citations shall contain the following information:

1. The name and address of the alleged violator;
- e. The factual allegations describing the alleged violation;
3. The time and place of the offense;
4. The section of the ordinance violated;

5. 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 for the alleged violator to appear in court;

7. A statement which, in essence, informs the alleged violator:

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 such deposit, he or she need not appear in court unless subsequently summoned.

c. 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, a penalty assessment imposed by § 165.87, a jail assessment imposed by § 302.46(1), a crime laboratories and drug law enforcement assessment imposed by § 165.755 and any applicable domestic abuse assessment imposed by § 973.055(1) 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 nonappearance to be a plea of no contest and enter judgment under § 66.119(3)(d), Stats., or the Town may commence an action against the alleged violator to collect the forfeiture and all assessments allowed by state law.

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 § 800.093.

and;

8. A direction that if the alleged violator elects to make a cash deposit, the alleged violator shall sign an appropriate statement which accompanies the citation to indicate that he or she read the statement under Subd. 7, above, and shall send the signed statement with the cash deposit.

SECTION III. BAIL SCHEDULE

A. The bail schedule plus statutory assessments authorized for each violation for which a citation is issued shall be contained within the specific ordinance creating the violation, and such schedules are hereby adopted by reference.

B. The bail schedule plus statutory assessments for violation of any ordinance which does not contain a bail schedule shall be One Hundred Dollars (\$100.00) plus statutory assessments.

C. Bail for violation of the "Ordinance to Regulate Water Traffic, Boating and Water Sports Upon the Waters of Lauderdale Lakes, Walworth County, Wisconsin" shall be given to the Town of LaGrange Water Safety Patrol. Bail for all other offenses shall be paid to the Clerk of Circuit Court for Walworth County. All persons receiving cash shall issue a written receipt to the person making the deposit.

IV. SEVERABILITY

The provisions of this ordinance shall be deemed severable and it is expressly declared that the Town Boards would have passed the other provisions of this ordinance irrespective as to whether or not one or more provisions may be declared invalid and any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the ordinance and the application of such provisions, other persons or circumstances shall not be affected thereby.

Enacted by the Town Board of LaGrange this 9th day of October, 2000.

Approved:

David Heilmeier, Town Chairman

Robert Miller, Supervisor

Louise Olson, Supervisor

David Fischler, Supervisor

ATTEST:

Elizabeth A. Sukala, Town Clerk, LaGrange

Enacted by the Town Board of Sugar Creek this ____ day of _____, 2000.

Approved:

Loren Waite

Charles Papcke

Edward

ATTEST:

Diane Boyd, Town Clerk, Sugar Creek