

TOWN
of
ST. CROIX FALLS
Polk County, Wisconsin

ORDINANCE NO. 07-02
AMENDING ORDINANCE 03-01 RELATING TO ISSUANCE OF CITATIONS
FOR VIOLATIONS OF TOWN ORDINANCES

The Town of St. Croix Falls, Polk County, Wisconsin, ordains as follows:

CHAPTER 1: Ordinance 03-01 “Issuance of Citations for Violations of Town Ordinances” is hereby repealed and recreated to read as follows:

CHAPTER 2: “Issuance of Citations for Violation of Town Ordinances”

SECTION 1 -- STATUTORY AUTHORITY

Pursuant to Section 66.0113 of Wisconsin Statutes, the Town Board hereby elects to use the citation method of enforcement to town ordinances described here, or in a separate ordinance including those for which a statutory counterpart exists.

SECTION 2 – FORM OF CITATION

The citation shall contain the following:

- a) The name and address of the alleged violator;
- b) The factual allegations describing the alleged violation;
- c) The time and place of offence;
- d) The section of the ordinance violated;
- e) A designation of the offense in such manner as can be readily understood by a person making a reasonable effort to do so;
- f) The time at which the alleged violator may appear in court;
- g) A statement which in essence informs the alleged violator:
 1. That a cash deposit on the schedule established by this or other town ordinance may be made which shall be delivered or mailed to the Clerk of Court prior to the time of the scheduled court appearance.
 2. That if a deposit is made, no appearance in court is necessary unless the defendant is subsequently summoned.
 3. That if a cash deposit is made and the alleged violator does not appear in court, he will be deemed to have entered a plea of no contest, and submitted to a forfeiture with the applicable assessment, or if the court does not accept the plea of no contest, a summons will be issued commanding him to appear in court to answer the complaint.

4. That if no such cash deposit is made and the alleged violator 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 be a plea of no contest and enter judgment, or an action may be commenced to collect the forfeiture.
- h) A direction that if the alleged violator elects to make a cash deposit, the statement of which accompanies the citation shall be signed to indicate that the statement required under "g" above had been read. Such statement shall be sent or brought with a cash deposit;
 - i) A statement that if the court finds that the violation involves an offense that prohibits conduct prohibited by state statute punishable by fine or imprisonment or both, and that the violation resulted in property damage or physical injury to a person other than the alleged violator, the court may summons the defendant into court to determine if restitution shall be ordered under Wis. Stat. Section 8000.093 (municipal court);
 - j) Such other information as the town deems necessary.

SECTION 3 – SCHEDULE OF DEPOSITS

Schedule of cash deposits. The cash deposit for the various ordinances for which a citation may be issued are as established on the schedule of cash deposits adopted by Resolution of the Town Board, a copy of which is on file with the Town Clerk.

Deposits shall be made in cash, money order, or certified check to the Clerk of Circuit Court who shall provide a receipt therefore.

SECTION 4 – ISSUANCE OF CITATION

The following officials and those officials authorized by ordinance or resolution of the Town may issue citations with respect to those specified ordinances which are directly related to their official responsibilities.

<u>ORDINANCE TITLE</u>	<u>ENFORCEMENT OFFICIAL</u>
Zoning Ordinance	Town Zoning Administrator, Town Board Member, County Sheriff's Department Officer, Town Building Inspector
Junked Vehicle Ordinance	Town Zoning Administrator, Town Board Member, County Sheriff's Department Officer, Wisconsin Department of Natural Resources Officer
Other Town Ordinances	Town Board Member, Person authorized by the Ordinance or by Resolution of the Town Board

SECTION 5 – PROCEDURE

Section 66.119(3) Wisconsin Statute relating to violator's options and procedures on default is hereby adopted and incorporated by reference.

SECTION 6 – NON-EXCLUSIVITY

- a) OTHER ORDINANCES: Adoption of this ordinance does not preclude the Town Board from adopting any other ordinance or providing for the enforcement of any other law or ordinances relating to the same or other matter.
- b) OTHER REMEDIES: The issuance of a citation hereunder shall not preclude the Town Board or any authorized office from proceedings under and other ordinance or law or by any other enforcement method to enforce any ordinance regulation or order.

SECTION 7 -- SEVERABILITY

If any provisions of this ordinance are invalid or unconstitutional, or if the application of this ordinance to any person or circumstances is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the provisions or applications of this ordinance which can be given effect without the invalid or unconstitutional provision or application.

SECTION 8 – EFFECTIVE DATE

This ordinance shall not effect upon its passage and publication or posting as provided by law.

The foregoing ordinance was adopted by the enactment of enabling Resolution 07-42 at a regular meeting of the Town Board of the Town of St. Croix Falls on November 19, 2007, by a vote of Yeas; 4 Nays; 0 Abstention/absent. _____

/s/William Hughes, Town Chairman

Attest: _____
/s/Janet Krueger, Town Clerk

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