

**CHAPTER 1
GENERAL PROVISIONS**

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SECTION 1.11 AUTHORIZATION FOR USE OF CITATIONS.**(a) Statutory Authority.**

Pursuant to Wis. Stats. § 66.0113, the Town Board hereby elects to use the citation method of enforcement of Town Ordinances described herein, other than those for which a statutory counterpart exists.

(b) Form of Citation.

The citation shall contain the following:

- (1) The name, address, date of birth and physical description 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 such a manner as can readily be 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 which in essence informs the alleged violator:
 - (A) That a cash deposit based on the schedule established by this Ordinance may be made which shall be delivered or mailed to the Clerk of Court prior to the time of the scheduled court appearance.
 - (B) That if a deposit is made, no appearance in court is necessary unless he or she is subsequently summoned.
 - (C) That if a cash deposit is made and the alleged violator does not appear in court, he or she will be deemed to have entered a plea of no contest and submitted to a forfeiture, plus costs and any applicable assessments not to exceed the amount of the deposit, or if the court does not accept the plea of no contest, a summons will be issued commanding him or her to appear in court to answer the complaint.
 - (D) That if no cash deposit is made and the alleged violator 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, or the Town may commence an action against the alleged violator to collect the forfeiture, plus costs and any applicable assessments.

(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.

(8) A direction that if the alleged violator elects to make a cash deposit, the statement which accompanies the citation shall be signed to indicate that the statement required under (7) above has been read. Such statement shall be sent or brought with the cash deposit.

(9) Such other information as the Town deems necessary.

(c) **Issuance of Citation.**

The following Town officials 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>
Subdivision Ordinance	Building Inspector and Town Engineer
Building Codes	Building Inspector
Boating Regulations	Columbia County Sheriff and Town Supervisors
Town Roads	Building Inspector
Mobile Home Ordinance	Town Supervisors
Parks	Columbia County Sheriff and Town Supervisors
Erosion Control Ordinance	Building Inspector
Nuisances	Town Supervisors and Building Inspector
Speeding	Columbia County Sheriff
Snowmobiles	Columbia County Sheriff

(d) **Procedure.**

Wis. Stats. § 66.0113(3) relating to violator's option and procedures on default is hereby adopted and incorporated by reference.

(e) **Nonexclusivity.**

(1) **Other Ordinance.** 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 Ordinance relating to the same or other matter.

- (2) Other Remedies. The issuance of a citation hereunder shall not preclude the Town Board or any authorized office from proceedings under any other Ordinance or law or by any other enforcement method to enforce any Ordinance, regulation or order.
- (3) If any provision of this Ordinance is found by a Court to be invalid or unconstitutional, or if the application of this Ordinance to any person or circumstance 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.

History Note: Adopted 8/27/85; amended through 1994 codification; amended 11/28/00; amended through 2015 recodification; amended by Ordinance No. 2016-01 adopted 2/23/16 and Ordinance No. 2016-08 adopted 7/26/16.

SECTION 1.21 GENERAL PENALTY.**(a) General Penalty.**

Except where a penalty is provided elsewhere in this Code, any person who shall violate any of the provisions of this Code shall upon conviction of such violation, be subject to a penalty, which shall be as follows:

- (1) First Offense. Any person who shall violate any provision of this Code shall, upon conviction thereof, forfeit not less than Twenty-five Dollars (\$25.00) nor more than One Thousand Dollars (\$1,000.00), together with the costs of prosecution and any applicable assessments and, in default of payment of such forfeiture, costs and assessments, shall be imprisoned in the County Jail until such forfeiture and costs are paid, but not exceeding ninety (90) days.
- (2) Second Offense -- Penalty. Any person found guilty of violating any provision of this Code who shall previously have been convicted of a violation of the same Ordinance within one year shall, upon conviction thereof, forfeit not less than Fifty Dollars (\$50.00) nor more than One Thousand Dollars (\$1,000.00) for each such offense, together with costs of prosecution and any applicable assessments, and in default of payment of such forfeiture, costs and assessments, shall be imprisoned in the County Jail until such forfeiture and costs of prosecution are paid, but not exceeding ninety (90) days.

(b) Continued Violations.

Each violation and each day a violation continues or occurs shall constitute a separate offense. Nothing in this Code shall preclude the Town from maintaining any appropriate action to prevent or remove a violation of any provision of this Code.

(c) Other Remedies.

The Town shall have any and all other remedies afforded by the Wisconsin Statutes in addition to the forfeitures set forth above.

History Note: Adopted through 1994 codification.

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