

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.

(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) **Schedule of Deposits.**

The following schedule of cash deposits (plus court costs and any applicable assessments) is established for use with citations under this Ordinance. A violation letter may be sent before a citation is issued, that explains the violation and gives the violator the option of paying the assessment within 10 business days. If the forfeiture is not paid within 10 business days, a citation will be issued, which will consist of the forfeiture, plus court costs and any applicable assessments.

<u>Ordinance</u>	<u>Section</u>	<u>Deposit (higher for second Offense and subsequent violations)</u>
4.01	Boating violations (no statutory equivalent)	\$50/100
4.02	Seaplanes regulated	150
4.03	Airport height regulations	100
5.11	Town road violations	50
6.01(d)	Mobile homes outside mobile home parks without permit	50
6.01(e)	Operation of mobile home park without license	75
6.01(f)	Non-payment of mobile home monthly permit fee	50
6.21(f)(1)	Dogs running at large	50/75
6.21(f)(2)(D)	Dogs habitually howling	50/100
6.21	Other dog regulations	100/200
6.22	Animal waste	50/100/200
6.31	Alcohol beverages regulated	350/700
6.42	Adult oriented establishment	250/500
7.01	Solid waste disposal	150
7.02(f)	Mandatory Recycling	75/250/2000
7.02(m)	After Hours/Illegal Dumping	75/250/2000
7.03	Agricultural Shoreland Management Regulations	100/200
8.01(b)(2)(A)	Adulterated food	200/300
8.01(b)(2)(B)	Unburned carcasses	150/250
8.01(b)(2)(C)	Breeding places for vermin	75/150
8.01(b)(2)(D)	Stagnant water	75/125
8.01(b)(2)(E)	Privy vaults and garbage cans	50/75
8.01(b)(2)(F)	Noxious weeds	50/75
8.01(b)(2)(G)	Noxious odors	75/125

8.01(b)(2)(H)	Abandoned wells	100/175
8.01(b)(2)(I)	Pollution	75/125
8.01(b)(3)(A)	Disorderly houses	200/300
8.01(b)(3)(B)	Gambling devices	150/225
8.01(b)(3)(C)	Unlicensed sale of alcohol beverages	250/350
8.01(b)(3)(D)	Continuous violations of local or state law	200/300
8.01(b)(3)(E)	Illegal drinking	250/350
8.01(b)(4)(A)	Sign and billboard violations	100/200
8.01(b)(4)(B)	Illegal buildings	100/200
8.01(b)(4)(C)	Unauthorized signs	75/150
8.01(b)(4)(D)	Obstruction of intersection	75/150
8.01(b)(4)(E)	Tree limbs	75/150
8.01(b)(4)(F)	Fireworks	100/200
8.01(b)(4)(G)	Dilapidated buildings	150/250
8.01(b)(4)(H)	Wires over streets	150/250
8.01(b)(4)(I)	Noisy animals or fowl	75/150
8.01(b)(4)(J)	Obstruction of streets, excavations	75/150
8.01(b)(4)(K)	Pits, wells, excavations and unused basements	150/250
8.01(b)(4)(L)	Abandoned refrigerators	100/200
8.01(b)(4)(M)	Use of property abutting a public way	75/150
8.01(b)(4)(N)	Flammable liquids	100/200
8.01(b)(5)(A)	Storing unlicensed vehicles	75/150
8.01	Other public nuisances (unclassified)	100/200
8.12	Excessive noise	50/100
9.01(b)(1)	No animals in parks	75
9.01(b)(2) and (3)	No vehicles ridden or driven in parks	75
9.01(b)(4)	No snowmobiles operated in parks	75
9.01(b)(5)	Fires in parks regulated	100
9.01(b)(6)	Loud noise or music in parks	75
9.01(b)(7)	Disorderly conduct in parks	100
9.01(b)(8)	Alcohol beverages in parks	100
9.01(b)(9)	Firearms in parks	125
9.01(b)(10)	Removal of tables from parks	100
9.01(b)(11)	Littering or distribution of property in parks	100
9.01(b)(12)	Town trails in parks	100
Chapter 10	Subdivision regulations (no statutory equivalent)	150
11.11	Erosion control and storm water management regulations	100/200
11.21	Building permit regulations	100/200
11.31	Fences and hedges	11/200
12.01	Speeding	Uniform bond sch.
12.11	Snowmobile regulations	Uniform bond sch.
12.22	Winter parking regulated	30/50

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

(d) **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

(e) **Procedure.**

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

(f) **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.

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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