

Town of Trempealeau
Ordinance Relating to Issuance of
Citations for Violations of Town Ordinances
Ordinance No. 2005- 003

SECTION 1 – TITLE/PURPOSE

The title of this Ordinance is the Town of Trempealeau Citation Ordinance. The purpose of this ordinance is to authorize the town board of the Town of Trempealeau, or its designees, to issue citations for violations of the town of Trempealeau Code of Ordinances, including ordinances with statutory counterparts.

SECTION 2 – AUTHORITY

The Town Board of the Town of Trempealeau has the specific authority under *s. 66.0113, Wis. Stats.*, to adopt this ordinance.

SECTION 3 – ADOPTION OF ORDINANCE

The Town Board of the Town of Trempealeau, 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 and elects to use a citation method of enforcement of violations to the Code of Ordinances including statutory counterparts.

SECTION 4 – FORM OF CITATION – The citation shall contain the following:

1. Name and address of 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 a manner that can be readily understood by a person making a reasonable effort to do so;
6. The time and date at which the alleged violator may appear in court;
7. A statement that in essence informs the alleged violator of all of the following:
 - a. That the alleged violator may make a cash deposit of a specified amount to be delivered or mailed to the Trempealeau County Clerk of Court prior to the time of the scheduled appearance.
 - b. That if a deposit is made, no appearance in court is necessary unless the defendant is subsequently summoned.
 - c. That if a cash deposit is made and the alleged violator does not appear in court, he/she will be deemed to have entered a plea of no contest, and submitted to a forfeiture with applicable penalty 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.
 - 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 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.

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 section 4.7 above has been read. Such statement shall be sent or brought with the cash deposit.
9. A statement that 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 summon the defendant into court to determine if restitution shall be ordered under *s. 800.093, Wis. Stats.*
10. Such other information as the town deems necessary.

SECTION 5 – SCHEDULE OF DEPOSITS – as per the following ordinance(s)

<u>Ordinance Title</u>	<u>Deposits</u>
Building Inspector Ordinance No. 2003-001	First Offense - \$50 Second Offense within two(2) years: -double the first offense Third Offense within two (2) years: -triple the first offense
Any other ordinance for which a cash deposit is not specified	First Offense - \$50 The forfeiture amount shall double for the second offense and triple for a third offense if such subsequent offenses occur within two (2) years of the prior offense for which a conviction has been obtained.

Deposits shall be made in cash, money order or certified check to the Trempealeau County Clerk of Circuit Court who shall provide a receipt. The deposit amounts listed above do not include statutory court costs, fees or surcharges under *ch. 814, Wis. Stats.* In addition to the deposits specified hereinabove or in another ordinance, the violator, upon conviction thereof, shall also be required to pay statutory court costs, fees, and surcharges under *ch. 814, Wis. Stats.*

SECTION 6 – ISSUANCE OF CITATIONS

Prior to issuing a citation, the Town or any official hereinafter authorized to issue citations, may give the alleged violator a written warning notice that a failure to comply with the ordinance may result in the issuance of a citation. The issuance of citations are hereby authorized to be given by any member of the Town Board, and County Law Enforcement Officer, the Zoning Administrator, the Building Inspector, the Fire Chief or any other designee given written approval. Unless otherwise limited by ordinance subject to enforcement by use of a citation, each day a violation continues shall be subject to additional penalties in the form of a forfeiture amount. More than one citation may be issued for the same violation, each day of continuance constituting a new and separate offense. In addition, multiple violations may be cited on the face of a single citation where such violations are daily violations of the same ordinance. The total amount of the forfeiture shall be the sum total of the forfeiture amounts listed for each separate infraction listed.

SECTION 7 – PROCEDURE

1. *Section 66.0113(3), Wis. Stats.*, relating to a violator’s options and procedures on default is hereby adopted and incorporated by reference.

2. Section 66.0115, Wis. Stats., on the procedure with regard to outstanding unpaid forfeitures is hereby adopted and incorporated by reference.

SECTION 8 – RELATIONSHIP TO OTHER LAWS

1. Adoption of this ordinance does not preclude the 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. The issuance of a citation hereunder, shall not prohibit the Town or any authorized officer from proceeding under any other ordinance or law or by any other enforcement method to enforce any ordinance, regulation or code.

SECTION 9 – SEVERABILITY

If any provision of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this ordinance that can be given effect without the invalid provisions of application, and to this end, the provisions of this ordinance are severable.

SECTION 10 – EFFECTIVE DATE

This ordinance shall be effective upon publication as required under s. 60.80, Wis. Stats.

Adopted this 10th day of November, 2005

TOWN OF TREMPLEAU

George Walski
George Walski, Chairman

Gerald Stellpflug
Gerald Stellpflug, Supervisor

David Prondzinski
David Prondzinski, Supervisor

Attest:

Doris A. Dahl
Doris A. Dahl
Clerk/Treasurer