

TOWN OF SIOUX CREEK
BARRON COUNTY, WISCONSIN
AN ORDINANCE REGARDING
CITATIONS

ADOPTED: December 9, 2008

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The Town Board of the Town of Sioux Creek, Barron County, Wisconsin, ordains as follows:

Section One: That the following Ordinance be adopted:

CITATION ORDINANCE

SECTION 1. TITLE/PURPOSE, AUTHORITY

1.1 Title/Purpose

The title of this Ordinance is the Town of Sioux Creek Citation Ordinance.

The purpose of this Ordinance is to authorize the Town Board of the Town of Sioux Creek, or its designees, to issue citations for violations of Town of Sioux Creek ordinances, including ordinances with statutory counterparts.

1.2 Authority

The Town Board of the Town of Sioux Creek has the specific authority under §66.0113, Wis. Stats., to adopt this ordinance.

1.3 Adoption of Ordinance

The Town Board of the Town of Sioux Creek, hereby provides the authority for the Town of Sioux Creek to issue citations for violations of Town of Sioux Creek ordinances, including ordinances with statutory counterparts.

1.4 Policy

In its discretion, the Town of Sioux Creek may issue citations to enforce its ordinances. As a general policy, the Town of Sioux Creek may attempt to resolve a violation with an alleged offender before issuing a citation. However, the Town may issue a citation without first trying to resolve a violation when the Town feels the situation warrants the same, such as matters involving repeat offenses, uncooperative offenders, and public safety situations. Issuance of a citation or payment of forfeitures associated with a citation does not relieve the offender of responsibility for taking corrective action to be in compliance with Town ordinances. Unless noted otherwise, corrective action shall occur within two weeks of citation issuance. When public safety is in jeopardy, corrective action shall be taken immediately. The Town of Sioux Creek may issue a new citation and collect additional forfeitures when corrective action is not taken within the allotted time or does not fully comply with Town ordinances.

1.5 Relation to Other Laws

The authorization for use of a citation under this Ordinance shall not preclude the Town Board from adopting any other ordinance, or providing for the enforcement of any other law or ordinance, or providing for the enforcement of any other law or ordinance relating to the same or any other matter. The issuance of a citation under this Ordinance does not preclude proceeding under any other ordinance or law relating to the same or any other matter. Proceeding under any other ordinance or law relating to the same or any other matter does not preclude the issuance of a citation under this ordinance.

1.6 Interpretation

In their interpretation and application, the provisions of this Ordinance shall be held to be minimum and shall be liberally construed in favor of the Town and shall not be deemed a limitation of repeal of any other power granted by Wisconsin Statutes.

1.7 Severability

If a court of competent jurisdiction adjudges any section, provision or portion of this Ordinance unconstitutional or invalid, the remainder of this Ordinance shall not be affected thereby.

1.8 Repeal

All other ordinances or parts of ordinances of the Town inconsistent or conflicting with this Ordinance, to the extent of the inconsistency only, are hereby repealed.

1.9 Effective Date

This Ordinance shall take effect upon passage and adoption by the Town Board and posting as provided by law. The town clerk shall properly post or publish this ordinance as required under §60.80, Wis. Stats.

SECTION 2. GENERAL PROVISIONS

2.1 Jurisdiction/Applicability

The issuance of a citation by a person authorized to do so under subsection 2.5 shall be deemed adequate process to give the appropriate court jurisdiction over the subject matter of the offense for the purpose of receiving cash deposits and other purposes under §66.0113 Wis. Stats.

2.2 Exemptions

None.

2.3 Disclaimer

- A. **Multiple Jurisdictions.** Persons subject to this Ordinance shall be presumed to be aware that the Town of Sioux Creek is one of several governmental bodies with jurisdiction pertaining to violations of laws and ordinances which occur in the Town. This Ordinance only applies with respect to violations of Town ordinances.
- B. **Binding Acts.** No statement or actions by any official, employee, agent or committee of the Town shall be construed or taken as a binding act of the Town except a resolution, motion or Ordinance that has been adopted by the Town Board at a lawfully conducted Town Board meeting, or by the Town electorate at

a duly constituted Annual or Special Town Meeting. This includes, but is not limited to, interpretation of this Ordinance.

2.4 Coverage

A. Except as provided in paragraphs D. and E., below, the Town Board prescribes that the citations used to enforce Town Ordinance violations shall be as provided in this subsection and shall include all of the following:

1. The name and address 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 a manner that can be readily 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 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 mailed to a specified official within a specified time.
 - b. That if the alleged violator makes a cash deposit, he or she need not appear in court unless subsequently summoned.
 - c. That 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, plus costs, fees and surcharges imposed under Ch. 814, Wis. Stats., 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 a warrant for the defendant's arrest or consider the nonappearance to be a plea of no contest and enter judgment under §66.0113(3)(d), Wis. Stats., or the municipality

may commence an action against the alleged violator to collect the forfeiture, plus costs, fees and surcharges imposed under Ch. 814, Wis. Stats.

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, Wis. Stats.

8. A direction that if the alleged violator elects to make a cash deposit, the alleged violator shall sign an appropriate statement that accompanies the citations to indicate that he or she read the statements required under §66.0113(1)(b)7., Wis. Stats., and shall send the signed statement with the cash deposit.

9. Any other information as may be deemed necessary.

B. The Town Board hereby adopts Section 4 - Schedule of Deposits and Enforcement Officials that are required for various Town of Sioux Creek ordinance violations, which includes for each listed violation costs, fees and surcharges imposed under Ch. 814, Wis. Stats. In addition, the Town of Sioux Creek may seek reimbursement of reasonable legal fees from ordinance violators.

C. The Town Board names the following court, clerk of court or other official to whom cash deposits are to be made and require that receipts be given for cash deposits: Barron County Clerk of Circuit Court.

D. The Town Board requires that in traffic regulation violation actions, except for parking regulation violations, the uniform traffic citation specified in §345.11, Wis. Stats., shall be used by the Town of Sioux Creek in lieu of the citation form noted above in paragraph C.

E. The Town Board requires that in actions for violations of Town of Sioux Creek ordinances enacted in accordance with §23.33(11)(am) or §30.77, Wis. Stats., the citation form specified in §23.54, Wis. Stats., shall be used in lieu of the citation form noted above in paragraph C.

2.5 Issuance and Service of Citations

- A. The Town Board hereby designates those officers and employees of the Town identified in Section 4, together with all law enforcement officers generally to issue citations under this Ordinance. In turn Town officers granted authority under Section 4 to issue citations are hereby empowered to delegate said authority to employees of the Town under their supervision.
- B. All officers, employees and law enforcement officers authorized to issue citations shall have the power to serve citations in manners consistent with §66.0113, Wis. Stats.

SECTION 3. WORDS

3.1 Word Usage

For the purposes of this Ordinance, words used in the present tense include the future; the singular number includes the plural number; and the plural number includes the singular number. The word “shall” is mandatory and not directory.

3.2 Definitions

A. Definitions for certain words or phrases used in this Ordinance, in particular where this ordinance references another town ordinance, can be found in the referenced ordinance. Definitions for other words or phrases can be found in the Wisconsin Statutes, Section 66. For the purposes of this ordinance, the following definitions revise, supplement or are in addition to definitions contained in the above-referenced documents.

1. *Law Enforcement Officer.* Any person employed by the state or a political subdivision, including but not limited to the Town of Sioux Creek and Barron County, for the purpose of detecting and preventing crime and enforcing laws or ordinances.

2. *Town.* Means the Town of Sioux Creek, Barron County, Wisconsin.

3. *Town Board.* Means the board of supervisors for the Town of Sioux Creek, Barron County, Wisconsin and includes any designee of the board authorized to act for the board.

4. *Town Clerk.* Means the clerk of the Town of Sioux Creek, Barron County, Wisconsin.

5. *Wis. Stats.* Means the Wisconsin Statutes, including successor provisions to cited statutes.

SECTION 4. SCHEDULE OF DEPOSITS AND ENFORCEMENT OFFICIALS

Before issuing a citation, enforcement officials should contact the Barron County Clerk of Circuit Court to determine current court costs and procedures. Deposits shall be made in cash, money order, or certified check to the Barron County Clerk of Court who shall provide a receipt. The Town of Sioux Creek established the following schedule of cash deposits and authorized enforcement official(s) for use with citations issued under this ordinance.

Ordinance and Violation	Deposit	Enforcement Official
<u>Building Ordinance</u> 1st Violation 2nd Violation 3rd Violation	\$100 \$150 \$150 to \$1,000 PER DAY	Building Inspector
<u>Dog Control Ordinance</u> 1st Violation 2nd and subsequent	\$50 to \$100 \$100 to \$200	Town Constable Police Officer Humane Officer
<u>Driveway Ordinance</u> 1st Violation 2nd Violation 3rd Violation	\$100 \$150 \$100 PER DAY	Town Patrolman Building Inspector Town Board
<u>Junk Ordinance</u> 1st Violation 2nd Violation 3rd Violation	\$100 \$150 \$100 PER DAY	Building Inspector Town Board
Land Division Ordinance	\$100 PER DAY PLUS COSTS	Plan Commission Chair
Telecommunications Tower Ordinance	\$200 PER DAY PLUS COSTS	Plan Commission Chair Town Board

Section Two: That this Ordinance shall become effective upon its adoption and publication as required by law.

Dated this 9th day of December, 2008.

TOWN OF SIOUX CREEK

By: Andy Candler, Chairman

By: Kathleen L. Martin, Clerk