

TOWN OF LEROY
DODGE COUNTY, WISCONSIN
99-03
ORDINANCE ADOPTING CITATION METHOD
OF ENFORCEMENT OF TOWN ORDINANCES

Pursuant to its powers under sec. 66.0113 of the Wisconsin Statutes, the Town Board of the Town of Leroy does hereby adopt the following Ordinance to use the citation method for the enforcement of Town ordinances:

SECTION 1. METHOD OF ENFORCEMENT

The Town of Leroy hereby elects to use the citation method of enforcement of ordinances. All Town officials and personnel charged with the responsibility of enforcing Town ordinances are hereby authorized pursuant to sec. 66.0113(2), Stats., as amended, to issue citations for violations of Town ordinances, including ordinances for which a statutory counterpart exists.

SECTION 2. INFORMATION CONTAINED IN CITATION

The citation shall contain the following items:

- (a) The name and address of the alleged violator.
- (b) Factual allegations describing the alleged violation.
- (c) The time and place of the offense.
- (d) The section of the ordinance or state statute violated.
- (e) A designation of the offense in such manner as can readily be 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 based on the schedule established by this ordinance may be made which shall be delivered or mailed to the Town Clerk prior to the time of the scheduled court appearance;
 - (2) That, if a deposit is made, no appearance in court is necessary unless he or she 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, a penalty assessment imposed by sec. 257.05, Stats., a jail assessment imposed by sec. 302.46(1), Stats., a crime laboratories and drug law enforcement assessment imposed by sec. 165.755, Stats. and any applicable domestic abuse assessment imposed by sec. 973.055(1), Stats., 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;

- (4) 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 non-appearance to be a plea of no contest and enter judgment under sec. 66.0113(3)(d), Stats., or, an action may be commenced to collect the forfeiture, and assessments set forth in Section 2(g)(3), above.
- (h) A direction that, if the alleged violator elects to make a cash deposit, a statement which accompanies the citation shall be signed to indicate that the statement required under (g) above has been read. Such statement shall be sent or brought with the cash deposit.
- (i) Such other information as the Town Board deems necessary.

SECTION 3. FORM OF CITATION

The form of the citation to be issued by Town officials and personnel or other designated Town officials is incorporated herein by reference and shall provide the information described in Section 2, above. The Town Board reserves the right to modify the citation form as needed and to conform with future amendments of sec. 66.0113, Stats. or other applicable law.

SECTION 4. SCHEDULE OF DEPOSITS

The following schedule of cash deposits shall be established by the Town Board for use with citations issued under this Ordinance according to the penalty provisions of this Ordinance. A copy of the schedule of deposits shall be filed with the Town Clerk. Deposits shall be made in cash, money order, or certified check to the Dodge County Clerk of Court, who shall provide a receipt therefore.

<u>ORDINANCE</u>	<u>DEPOSIT*</u>
Zoning - any offense	\$100.00*
Mobile home - any offense	100.00*
Building - any offense	100.00*
Electrical - any offense	100.00*
Plumbing - any offense	100.00*
Dogs - running at large; license	25.00*
Dogs - any other offense	50.00*
All other ordinances - any offense	50.00*

*The assessments set forth in Section 2(g)(3) and current court costs shall be added to these amounts.

SECTION 5. ISSUANCE OF CITATION

Citations may be issued by any of the following persons:

- (a) Any Dodge County law enforcement officer;
- (b) The Town Building Inspector or Zoning Administrator;
- (c) The Town Constable;
- (d) The Town Chairman or the Town Supervisors;
- (e) The Animal Control Officer.

The Town Board hereby delegates to the above officers the authority to issue citations on a unilateral basis without the specific approval by the Town Board.

SECTION 6. PROCEDURE

Sec. 66.0113(3) of the Wisconsin Statutes, as amended, relating to a violator's options and procedure on default is hereby adopted and incorporated by reference.

SECTION 7. NONEXCLUSIVITY

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, including, but not limited to, summons and complaint, relating to the same or other matter. Furthermore, the issuance of a citation hereunder shall not preclude the Town Board or any other authorized officer from proceeding under any other ordinance or law or by any other enforcement method to enforce any ordinance, regulation or order.

SECTION 8. AMENDMENTS OF SECTION 66.0113, STATS.

Any additional provisions required to be set forth in this ordinance under sec. 66.0113, Stats., in its present form and as it may be amended, renumbered or recodified from time to time, are hereby incorporated in this ordinance.

SECTION 9. SEVERABILITY

If any provision of this Ordinance is determined by a court of competent jurisdiction 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 applied in absence of the invalid or unconstitutional provision or application.

Adopted this _____ day of _____, 200_____.

TOWN OF LEROY

Linda Schraufnagel, Chairperson

Raymond Collien, Supervisor

Linus Schraufnagel, Supervisor

Attest:

By: _____
Town Clerk