

Subchapter 117. Citations

117.1 PURPOSE: The purpose of this ordinance is to designate the form for citations issued by the Town Constable or the Town Board designee for violations of town ordinances, including ordinances with statutory counterparts.

117.2 AUTHORITY. The Town of Presque Isle has the authority under s. 66.0113, Wis. Stats to adopt this ordinance.

117.3 LOCAL ORDINANCE. Citations for violations of Town ordinances shall include 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 alleged violation.
- (4) The number of the ordinance violated.
- (5) A designation of the offense.
- (6) The time to appear in court if the appearance is mandatory.
- (7) A statement that in essence informs the alleged violator of the following:
 - a) That the alleged violator may make a cash deposit of a specified amount.
 - b) That if the alleged violator makes a cash deposit, he or she need not appear in court unless appearance is mandated by the court or he or she is 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 court costs, fees, and surcharges imposed under chapter 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 judgement under s. 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 chapter 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 s. 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 citation to indicate that he or she read the statement required under s. 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.

117.4 ISSUANCE AND SERVICE OF CITATION. Town of Presque Isle citations may be issued by the Town Constable or the Town Board's official designee.

(1) FORFEITURES. Any person or entity violating a town ordinance shall forfeit not less than \$50 nor more than \$250 for the first offense and shall forfeit not less than \$100 nor more than \$500 for any subsequent offense. Deposits established in the Wisconsin Circuit Court Fee, Fine and Surcharge Tables shall also apply to any violation.

117.5 RELATIONSHIP TO OTHER LAWS. The adoption and authorization for use of a citation under 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 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.

117.6 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 provision or application, and to this end the provisions of this ordinance are severable.

117.7 EFFECTIVE DATE. This ordinance is effective on publication or posting as required under s. 60.80, Wis. Stats.