

CHAPTER 17: CITATION ORDINANCE

17.0100 TITLE AND PURPOSE

The title of this chapter is the “Town of Red River Citation Ordinance”. The purpose of this chapter is to authorize the Town Board of the Town of Red River, or its designees, to issue citations for violations of the Town of Red River ordinances, including ordinances with statutory counterparts.

17.0200 AUTHORITY

Pursuant to the authority of Wis. Stat. § 66.0113, as may be amended from time to time hereafter, the Town of Red River has specific authority to adopt this chapter.

17.0300 EFFECT OF ADOPTION

The Town Board of the Town of Red River, by this chapter, provides authority for the Town of Red River to issue citations for violations of the Town of Red River ordinances, including ordinances with statutory counterparts, as a method for enforcing the ordinances of the Town of Red River.

17.0400 FORM OF CITATION

The Town Board of the Town of Red River shall prescribe the form of the citations to be issued for violations of the Town of Red River ordinances, and the citations shall include all of the following:

- A. The name and address of the alleged violator.
- B. The factual allegations describing the alleged violation.
- C. The time and place of the alleged offense.
- D. The section of the ordinance violated.
- E. A designation of the offense in a manner that can be readily understood by a person making a reasonable effort to do so.
- F. The time at which the alleged violator may appear in court and a statement describing whether the appearance is mandatory.
- G. A statement that in essence informs the alleged violator of all of the following:
 1. That the alleged violator may make a cash deposit of a specified amount to be mailed to a specified official within a specified time.

2. 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.
 3. 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 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.
 4. 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 Wis. Stat. § 66.0113 (3) (d), 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.
 5. 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 Wis. Stat. § 800.093.
- H. 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 Wis. Stat. § 66.0113 (1) (b) 7, and shall send the signed statement with the cash deposit.
- I. Such other information as may be deemed necessary.

17.0500 SCHEDULE OF CASH DEPOSITS

- A. The Town Board of the Town of Red River adopts the following schedule of cash deposits for the various Town of Red River ordinance violations, which shall be increased by the penalty assessments required to be imposed by Wisconsin Statutes:
1. First offense ordinance violation: \$50.00 plus current court costs
 2. Second or subsequent offense ordinance violation: \$100.00 plus current court costs
 3. Each day shall be a separate violation.

- B. Cash deposits shall be made to the Kewaunee County Clerk of Court, and receipts shall be given by the Clerk of Court for each cash deposit received.

17.0600 ISSUANCE AND SERVICE OF CITATION

- A. Citations for the Town of Red River may be issued by the Town of Red River Town Board Chairman, Supervisor #1 or Supervisor #2. The Town Board of the Town of Red River may designate certain Town of Red River, Kewaunee County or other municipal officials to issue citations upon written approval by those officials.
- B. Any person specifically authorized by the Town Board of the Town of Red River to issue citations for the Town of Red River may also serve such citations.

17.0700 RELATIONSHIP TO OTHER LAWS

The adoption and authorization for use of a citation under this chapter shall not preclude the Town Board of the Town of Red River from adopting any other ordinances 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 chapter 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 shall not preclude the issuance of a citation under this chapter.

17.0800 ORDINANCES ADOPTED SUBSEQUENT TO THIS CHAPTER

Unless otherwise specified in the adopting ordinance, all ordinances adopted subsequent to this chapter shall be enforced by the aforementioned citation method. The provisions of paragraph 16.0700 of this chapter shall apply to all new ordinances.

17.0900 SEVERABILITY

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

17.1000 EFFECTIVE DATE

This chapter is effective on publication or posting. The town clerk shall properly post or publish this chapter as required under Wis. Stat. § 60.80.

Adopted this _____ day of _____, 2020.

Mike Sampo, Town Board Chairman

Jeff Dorner, Supervisor #1

Chuck Kinnard, Supervisor #2

Attest: Eric Corroy, Town Clerk