

CITATION ORDINANCE

Ordinance No. 2020-04

State of Wisconsin
Town of Chicog
Washburn County

The Chicog Town Board Ordains as Follows:

That pursuant to town police powers under §§ 60.10(2)(c), 61.34(1) & 66.0101(4), Wis. Stats., as well as § 66.0113, Wis. Stats., the following citation ordinance shall be adopted:

SECTION I – TITLE AND PURPOSE

The title of this ordinance is the Town of Chicog Citation Ordinance. The purpose of this ordinance is to authorize the Town Board of the Town of Chicog to issue citations for violations of Town of Chicog ordinances, including ordinances with State statute counterparts.

SECTION II – AUTHORITY

The Town Board of the Town of Chicog, Washburn County, Wisconsin, has the specific authority under s. 66.0113, Wis. stats., to adopt this ordinance.

SECTION III – ADOPTION OF ORDINANCE

This ordinance, adopted by a majority of the town board on a roll call vote with a quorum present and voting and proper notice having been given, provides the authority for the town to issue citations for violations of Town of Chicog ordinances, including ordinances with State statute counterparts.

SECTION IV - SUBDIVISION AND NUMBERING OF THIS ORDINANCE

This ordinance is divided into sections designated by uppercase Roman numerals. Sections may be divided into subsections designated by uppercase letters. Subsections may be divided into paragraphs designated by numbers. Paragraphs may be divided into subdivisions designated by lowercase letters. Subdivisions may be divided into subdivision paragraphs designated by lowercase Roman numerals. Reference to a "section," "subsection," "paragraph," or "subdivision" includes all divisions of the referenced section, subsection, paragraph, or subdivision.

SECTION V – COVERAGE

A. The form for citations to be issued in the Town of Chicog by the town board, or for violations of Town of Chicog ordinances 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 alleged violation.
4. The number 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 Washburn County Circuit Court. The issuing official will obtain a time and date from the Clerk of the Washburn County Circuit 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 the Clerk of Washburn County Circuit Court, PO Box 399, Shell Lake WI 54871.
 - 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 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 judgment 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.

B. The town board adopts the following schedule of cash deposits that are required for the various Town of Chicog ordinance violations, which includes for each listed violation the costs, fees, and surcharges imposed under chapter 814, Wis. Stats.:

1. A forfeiture amount of not less than \$100.00 nor more than \$500.00. A base forfeiture shall be \$100.00. Court costs and assessments shall follow the forfeiture tables established by the Wisconsin Supreme Court and as adjusted from time to time. The forfeiture table may be found at <https://wicourts.gov/courts/circuit/docs/fees.pdf>. For instances, a bond amount for an offense with a base forfeiture of \$100.00 will be entered in the bond portion of the citation form as "\$263.50."
2. Any requested restitution shall be noted on the citation.
3. Any continuing offense may be punished on a *per diem* basis measured from the date the citation is filed in the circuit court until the matter is resolved and at the discretion of the circuit court.

SECTION VI – ISSUANCE AND SERVICE OF CITATION

Town of Chicog citations may be issued by the town chair in the absence of a town constable.

SECTION VII – RELATIONSHIP TO OTHER LAWS

The adoption and authorization for use of a citation under this ordinance does not preclude the Town Board of the Town of Chicog 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.

SECTION VIII – SEVERABILITY

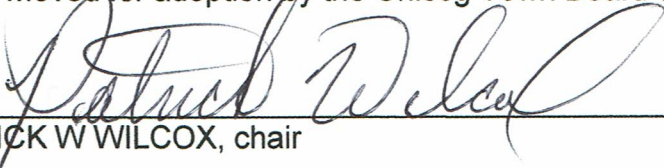
If any provision of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this ordinance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

SECTION IX – EFFECTIVE DATE

This ordinance is effective on publication or posting as noted below.

BE IT FURTHER ORDAINED, that this Ordinance shall be effective upon its adoption and publication and that publication of this ordinance may occur through posting in accordance with §§ 60.80(1)(b) & 985.02, Stats.


Moved for adoption by the Chicog Town Board on July 8, 2020:



PATRICK W WILCOX, chair



STEVEN J. LOISELLE



SUSSAN KOWARSCH

Correct Attest:



TERESA L. CORRIE
Chicog Town Clerk

