

Ordinance #: 2007-02
July 12, 2007

Town of Atlanta Ordinance Relating to Issuance of Citations for Violations of Town Ordinances

Contents

Section 1. Statutory Authority
Section 2. Form of Citation
Section 3. Schedule of Deposits
Section 4. Issuance of Citation
Section 5. Procedure
Section 6. Nonexclusively
Section 7. Servability
Section 8. Effective Date

Town of Atlanta Ordinance Relating to Issuance of Citations for Violations of Town Ordinances

The Town Board of the Town of Atlanta, Rusk County, Wisconsin, does ordain as follows:

Section 1. Statutory Authority

Pursuant to Section 66.0113 of Wisconsin Statutes, the Town Board hereby elects to use the citation method of enforcement of town ordinances described herein, or in a separate ordinance, including those for which a statutory counterpart exists.

Section 2. Form of Citation

The citation shall contain 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 offense;
- d) The section of the ordinance 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 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 or other town ordinance may be made which shall be delivered or mailed to the Clerk of Court prior to the time of the scheduled court appearance.
 2. That if a deposit is made, no appearance in court is necessary unless the defendant 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 with applicable penalty assessment, or if the court does not accept the

plea of no contest, a summons will be issued commanding him 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 warrant for the defendant's arrest or consider the non-appearance to be a plea of no contest and enter judgment, or an action may be commenced to collect the forfeiture.
- h) A direction that if the alleged violator elects to make cash deposit, the 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) A statement that if the court finds that the violation involves an offense that prohibits conduct prohibited by state statute punishable by fine or imprisonment or both, and the violation resulting in property damage or physical injury to a person other than the alleged violator, the court may summon the defendant into court to determine if restitution shall be ordered under Section 800.093 (municipal court).
- j) Such other information as the town deems necessary.

Section 3. Schedule of Deposits

The following schedule of cash deposits is established for use with citations issued under this ordinance.

| ORDINANCE TITLE | OFFENSE | DEPOSITS & COSTS |
|--|-----------|---------------------------------|
| ATV Ordinance #: 2005-02 | Violation | \$ 200 plus current court costs |
| Uniform Dwelling Code Ordinance #. 2005-01 | Violation | \$ 500 plus current court costs |

Deposits shall be made in cash, money order or certified check to the Clerk of Circuit Court (substitute Municipal for Circuit if appropriate) who shall provide a receipt therefore.

Section 4. Issuance of Citation

The following officials may issue citations with respect to those specified ordinances which are directly related to their official responsibilities.

| ORDINANCE TITLE | ENFORCEMENT OFFICIAL |
|---------------------------------|---|
| Uniform Dwelling Code Ordinance | Building Inspector |
| ATV Ordinance | Constables or any County Sheriff's Department Officer |

Section 5. Procedure

Section 66.0113(3) Wisconsin Statutes relating to violator's options and procedures on default is hereby adopted and incorporated by reference.

Section 6. Nonexclusively

A. OTHER ORDINANCES

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 relating to the same or other matter.

B. OTHER REMEDIES

The issuance of a citation hereunder shall not preclude the Town Board or any authorized office from proceedings under any other ordinance or law or by any other enforcement method to enforce any ordinance, regulation or order.

Section 7. Severability

If any provision of this ordinance is invalid or unconstitutional, or if the application of this ordinance to any person or circumstances is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the provisions or applications of this ordinance which can be given effect without the invalid or unconstitutional provision or application.

Section 8. Effective Date

This ordinance shall take effect upon its passage and publication or posting as provided by law. At a regular town meeting of the Town Board of the Town of Atlanta, this foregoing ordinance was

Adopted this 12th day of July, 2007.

Wayne Stevens (Town Board Chairperson)

Attest: Susan Mayer (Town Clerk)