

## **CITATION ORDINANCE 2014-2**

THE TOWN BOARD OF THE TOWN OF BONE LAKE DO ORDAIN AS FOLLOWS:

### **SECTION I – Title/Purpose**

The title of this Ordinance is the Town of Bone Lake Citation Ordinance. The purpose of this Ordinance is to authorize the town board of the Town of Bone Lake, or its designees, to issue citations for violations of Town of ordinances, including ordinances with statutory counterparts.

### **SECTION II – Authority**

The town board of the Town of Bone Lake has specific authority under Wis. Stat. § 66.0113 to adopt this ordinance.

### **SECTION III – Adoption of Ordinance**

The town board of the Town of Bone Lake by this ordinance, adopted on proper notice with a quorum and by a roll call vote by a majority of the town board present and voting, provides authority for the Town of Bone Lake to issue citations for violations of Town of ordinances, including ordinances with statutory counterparts.

### **SECTION IV – Coverage**

- A. The town board prescribes the form for citations to be issued in the Town of Bone Lake by the town board, or its designees, for violations of Town of Bone Lake ordinances shall be as provided in this subsection and shall include all of the following:
1. The name and address of the violator.
  2. The factual allegations describing the alleged violation.
  3. The time and place of the offense.
  4. The section of 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 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 a specified official within a specified time.
    - 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 Wis. Stat. ch. 814, 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 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 Wis. Stat. ch. 814.
  - 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 Wis. Stat. § 800.093.
- 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 Wis. Stat. § 66.0113(1)(b)7., and shall send the signed statement with the cash deposit.
  - 9. Any other information as may be deemed necessary.
- B. The town board shall adopt a schedule of cash deposits that are required for the various Town of Bone Lake ordinance violations.
  - C. The Town Clerk of the Town of Bone Lake shall collect all cash deposits received due to the issuance of citations and shall issue receipts for all such cash deposits.
  - D. The town board requires that in traffic regulation violation actions, except for parking regulation violations, the uniform traffic citation specified in Wis. Stat. § 345.11, shall be used by the Town of Bone Lake in lieu of the citation form noted above.

#### **SECTION V – 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 Bone Lake from adopting any other ordinance or providing for the enforcement of any" other law or 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 of 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 VI – Issuance of Citations**

Citations maybe issued by the Town Chair, Town Attorney, or any other agent designated by the Town Board.

#### **SECTION VI – Severability**

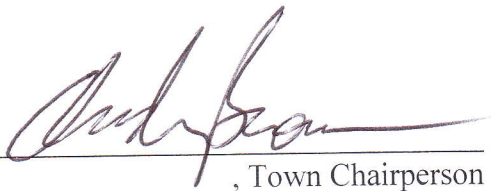
If any provision of this Ordinance of its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this ordinance that can be given effect without the invalid provision of application, and to this end, the provisions of this ordinance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

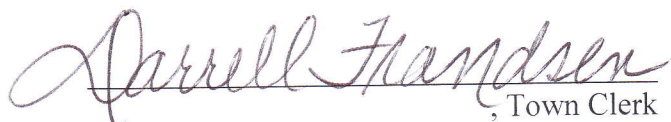
**SECTION VII – Effective Date**

This Ordinance shall become effective upon due notice and publication as required by law.

Approved and Adopted this 11<sup>th</sup> day of Sept. 2014.

Voted For: 3  
Voted Against: 0  
Abstained: 0  
Absent: 0

  
\_\_\_\_\_  
, Town Chairperson

Attest:   
\_\_\_\_\_  
, Town Clerk