**FINAL**

**TOWN OF WHEATON**

**CHAPTER 1**

**CITATION ORDINANCE**

SECTION I – TITLE AND PURPOSE

The title of this Ordinance is the “Town of Wheaton Citation Ordinance.” The purpose of this Ordinance is to authorize the Town Board of the Town of Wheaton, Chippewa County, Wisconsin or its designees, to issue citations for violations of Town of Wheaton Ordinances, including Ordinances with statutory counterparts.

SECTION II – AUTHORITY

The Town Board of the Town of Wheaton (hereinafter Town), Chippewa County, Wisconsin, has the specific authority under s. [66.0113](https://docs.legis.wisconsin.gov/document/statutes/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 ordinances, including Town ordinances with statutory counterparts.

SECTION IV – COVERAGE

A. Except as provided in Subsections D and E the form for citations to be issued in the Town by the Town Board, or its designees, for violations of Town 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 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 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)](https://docs.legis.wisconsin.gov/document/statutes/66.0113(3)(d)), Wis. stats., or the Town Board 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](https://docs.legis.wisconsin.gov/document/statutes/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.](https://docs.legis.wisconsin.gov/document/statutes/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. The Town Clerk shall obtain forms to be used for the citations from the State of Wisconsin Department of Administration.

B. The Town Board adopts the following schedule of cash deposits noted here as “Exhibit A” that are required for the various Town ordinance violations, which include for each listed violation the costs, fees, and surcharges imposed under Chapter 814, Wis. Stats.

Example:

First Offense Forfeiture Surcharge, et. alia Total

$200.00 $189.50 $389.50

C. The Town Board names the Chippewa County Clerk of Court, or other official to whom cash deposits are to be made and requires that receipts shall be given for cash deposits.

D. The Town Board requires that in traffic regulation violation Ordinance actions, if any, except for parking regulation violations, the Uniform Traffic Citation specified in [345.11](https://docs.legis.wisconsin.gov/document/statutes/345.11), Wis. Stats., shall be used by the Town in lieu of the Citation Form described in Subsection A.

E. The Town Board requires that in actions for violations of Town ordinances enacted in accordance with [23.33 (11) (am)](https://docs.legis.wisconsin.gov/document/statutes/23.33(11)(am)) or [30.77](https://docs.legis.wisconsin.gov/document/statutes/30.77), Wis. stats., the Citation Form specified in [23.54](https://docs.legis.wisconsin.gov/document/statutes/23.54), Wis. Stats., shall be used in lieu of the Citation Form described in Subsection A.

SECTION V – ISSUANCE AND SERVICE OF CITATION

A. Town Citations may be issued by the Town Board, or the Town Board may designate certain other municipal officials, with its written approval, to issue such Citations.

B. Town Citations, in addition, may specifically be issued by the Town Chair. This official may also designate an official to issue such Citations for the Town and this official may revoke this authority to issue at any time.

C. The Town Board has designated the Town Chair, or any person approved by the Town Board, to serve any Citations for the Town upon issuance. Any person specifically authorized by the Town Board to issue Citations by the Town Board of the Town may also serve such Citations.

SECTION VI – 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 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 VII – SEVERABILITY

If any section, subsection, sentence, clause, phrase or portion of this Ordinance shall for any reason be held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of this ordinance. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION XIII – EFFECTIVE DATE

This Ordinance is effective on passage and posting or upon adoption as a Chapter in a Code of Ordinance as provided by law.

Adopted on this \_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_, 2019 by Town Board.

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Town Board Supervisor Town Board Supervisor

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Town Board Supervisor Town Board Chair

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Town Board Supervisor

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ATTEST: Town Clerk