

**TOWN OF FOREST
ORDINANCE RELATING TO
ISSUANCE OF CITATIONS
FOR VIOLATIONS OF TOWN ORDINANCES**

Ordinance No. 2017-2

The Town Board of the Town of Forest hereby ordains that the Town Board of the Town of Forest, or its designees, shall be authorized to issue citations for violations of town ordinances as provided in this ordinance, as follows:

SECTION 1 - CITATION METHOD OF ENFORCEMENT.

- A. Statutory Authorization. Pursuant to '66.0113 Wis. Stats., the Town Board, or its designees shall be authorized to use the citation method of enforcement of town ordinances.
- B. Contents of Citation. The citation shall contain the following:
1. Name and address of the alleged violator.
 2. Factual allegations describing the alleged violation.
 3. Time and place of the offense.
 4. Number and section of the ordinance violated.
 5. A designation of the offense in such a manner as can readily be understood by a person making a reasonable effort to do so.
 6. Time and date in which the violator may appear in court.
 7. A statement which informs the violator:
 - (a) That the alleged violation may make a cash deposit based on the schedule established by this or other town ordinance which shall be delivered or mailed to the Clerk of Circuit Court prior to the time of the scheduled appearance.

- (b) That if the alleged violator makes a cash deposit no appearance in court is necessary unless the defendant is subsequently summoned.
 - (c) 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.
 - (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, or the municipality may commence an action against the alleged violator to collect the forfeiture, and any court costs and/or penalty assessments.
- 8. A direction that if the alleged violator elects to make a cash deposit, the statement which accompanies the citation shall be signed to indicate that the required statement has been read. Such statement shall be sent or brought with the cash deposit.
 - 9. 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 that the violation resulted 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 '800.093.
 - 10. Such other information as the Town deems necessary.

C. Issuance of Citations. The Town Board members and the following officials acting on behalf of the Town may issue citations with respect to the following ordinances which are directly related to their official responsibilities. The Town Board may, authorize other officials to issue citations, as the Town Board deems necessary & appropriate. Ordinance that may be enforced by citation include the following:

ORDINANCE TITLE	ENFORCEMENT OFFICIAL
Dogs Running at Large	Town Board Member, Town Animal Warden or County Sheriff
Zoning Ordinance	Zoning Administrator
Building Code Ordinance	Building Inspector
Public Nuisance Ordinance	Building Inspector, Zoning Administrator or Town Board Member
Subdivision Ordinance	Zoning Administrator or Town Board Member
Driveway Road Damage Ordinance	Town Board Member or Building Inspector
All-Terrain Vehicle Routes	Town Board Member
Wind-Energy System License	Town Board Member or Zoning Administrator
Special Weight Limit Ordinance	Building Inspector or Town Board Member

D. SCHEDULE OF DEPOSITS

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

ORDINANCE TITLE	OFFENSE	DEPOSIT AND COSTS
Dogs Running at Large Section 12.04	Violation	\$50 plus current court costs for first offense, \$100 plus current

		court costs for second offense and \$250 for subsequent offense(s)
Zoning Ordinance	Violation	\$ <u>100</u> plus current court costs + DOUBLE INT. PERMIT FEE
Building Code Ordinance	Violation	\$ <u>100</u> plus current court costs
Public Nuisance Ordinance	Violation	\$ <u>100</u> plus current court costs, \$200 plus current court costs for second offenses, \$250 plus current court costs for subsequent offenses
Subdivision Ordinance	Violation	\$ <u>1000</u> plus current court costs
Driveway Road Damage Deposit	Violation	\$ _____ plus current court costs BILL THE DAMAGE
All-Terrain Vehicles	Violation	\$ <u>100</u> plus current court costs
Wind Energy System License Ordinance	Violation	\$ <u>100</u> plus current court costs
Road Weight Limits	Violation	\$ <u>1000</u> plus current court costs
Non-Metallic Mine Operator's License	Violation	\$ <u>500</u> plus current court costs

2. Deposits shall be made in cash, money order, or certified check to the clerk of circuit court who shall provide a receipt therefor.

E. Procedure. Section 66.119(3), Wis. Stats., relating to violator's options and procedures on default is hereby adopted and incorporated by reference.

SECTION 2 - NONEXCLUSIVITY.

A. Other Ordinance. Adoption of this subsection 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 officer from proceeding under any other ordinance or law or by any other enforcement method to enforce any ordinance, regulation or order.

SECTION 3 SEVERABILITY

If any provision of this ordinance or its application to any person or circumstance is held invalid, the validity 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 4 - EFFECTIVE DATE

This ordinance is effective on publication or posting as provided by law.

The Town Clerk shall properly post or publish this ordinance as required under S. 60.80, Wis. Stats.

Dated and approved this 5 day of September, 2017.

Attest: Anne Johnston
Anne Johnston, Town Clerk

Jaime Junker
Jaime Junker, Town Chair

LaVerne Hoitomt
LaVerne Hoitomt, Town Board Member

Craig Paulson
Craig Paulson, Town Board Member

Todd Ostberg

9/14/17
Date Published