

STATE OF WISCONSIN
TOWN OF WASHINGTON, VILAS COUNTY
CODE OF ORDINANCES

CHAPTER 19: CITATION ORDINANCE

19.01 Title and Purpose

The title of this ordinance is the Town of Washington Citation Ordinance. The purpose of this ordinance is to authorize the Town Board, or its designees, to issue citations for violations of the Town of Washington Code of Ordinances having forfeiture provisions.

19.02 Authority

The Town of Washington has the authority to enact this ordinance under its village powers under §60.22, Wis. Stat. and the specific authority under §66.0113 Wis. Stat.

19.03 Definitions

- A. Town means the Town of Washington in Vilas County, Wisconsin.
- B. Town Board means the board of supervisors for the Town of Washington, Vilas County, Wisconsin, and includes designees of the town board authorized to act for the town board.
- C. Town Clerk means the clerk of the Town of Washington, Vilas County, Wisconsin
- D. Wis. Stats. means Wisconsin Statutes

19.04 Citation Content

- A. The Town hereby adopts the use of a citation to be issued for violations of ordinances, including ordinances for which a statutory counterpart exists.
- B. The form for citations to be issued by the Town, or its designees, for violations of chapters of the Town of Washington Code of Ordinances having forfeiture provisions, shall include 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 offense.
 - 4. The section 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 and a statement describing whether the appearance is mandatory.
 7. A statement which in essence informs the alleged violator:
 - 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 such a deposit, he or she need not appear in court unless appearance is mandated by the court, or he or she is 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. Stats. §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 judgement under §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 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 §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 §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.
- C. Chapters of the Town's Code of Ordinances containing forfeiture provisions shall include a schedule of cash deposits that are required for the various ordinance violations, plus costs, fees, and surcharges imposed under Wis. Stats. §814, for which a citation may be issued. Cash deposits shall be paid to the Vilas County Clerk of Court.

19.05 Citation Issuance

- A. Citations authorized under this chapter may be issued by law enforcement officers of Vilas County. In addition, the Town authorizes:
 - 1. The Town Animal Control Officer to issue citations for violations of Chapter 6: Animal Control Ordinance.
 - 2. The Town Chairperson to issue citations for violations of all other chapters of the Town Code of Ordinances having forfeiture provisions.
- B. The issuance of a citation by a person authorized to do so under provisions of this ordinance shall be deemed adequate process to give the Vilas County Circuit Court jurisdiction over the subject matter of the offense for the purpose of receiving cash deposits, if directed to do so. Issuance and filing of a citation do not constitute commencement of an action. Issuance of a citation does not violate Wis. Stats. §946.68.

19.06 Citation Service

- A. Upon a citation being issued by either the Town Chairperson or Town Animal Control Officer, the Clerk shall prepare a letter to accompany the citation when served to the alleged violator. The letter shall include the following information as shown on the citation:
 - 1. Citation number, name of the person to whom the citation is issued, and location of the alleged violation.
 - 2. Instructions for cash deposit.
 - 3. Forfeiture stipulation.
 - 4. Advice that continuation of the alleged violation may result in issuance of further complaints or citations.
- B. Serving of citations may be accomplished by any of the following methods at the discretion of the Town Clerk:
 - 1. Served in person by any elected officer of the Town, or by the appointed Animal Control Officer for citations pertaining to Chapter 6: Animal Control Ordinance. Unless circumstances of the citation dictate otherwise, this option is the preferred method of service.
 - 2. Served by a Vilas County Law Enforcement Officer when circumstances of the citation are such that it may be inappropriate for a Town Officer to serve the citation. This option may be suitable for service addresses within Vilas County.
 - 3. Served by United States Postal Service. This option is intended for service to addresses outside Vilas County.

19.07 Relationship to Other Laws

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

19.08 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.

19.09 Adoption of Ordinance

This ordinance, adopted by a majority of the town board with a quorum present and voting and proper notice having been given, formally adopts the Town of Washington Citation Ordinance.

This ordinance repeals and replaces all citation ordinances previously adopted by the Town of Washington.

19.10 Effective Date

This ordinance is effective upon adoption and publication or posting. The Town Clerk shall properly post or publish this ordinance under §60.80, Wis. Stats.

Adopted this 8th day of February, 2023.



Jim Egan, Town Chairperson

Attest:



Nancy Sobralski, Clerk

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