

**TOWN OF BROTHERTOWN
CALUMET COUNTY, WI**

ORDINANCE NO. 2005- 2

**AN ORDINANCE TO AUTHORIZE THE USE OF CITATIONS FOR VIOLATIONS OF TOWN
ORDINANCES**

The Town Board of the Town of Brothertown, Calumet County, Wisconsin pursuant to Sec. 66.0113 and Sec. 60.22, Wis. Stat., do ordain as follows:

Section 1. Authority for use of Citation. Pursuant to Sec. 66.0113, Wis. Stat., the Town Board hereby elects to use the citation method of enforcement of town ordinances, including those for which a statutory counterpart exists.

Section 2. Officials Authorized to Issue Citation. The following officials may issue citations with respect to those specified ordinances which are directly related to their official responsibilities.

<u>Ordinance Title</u>	<u>Enforcement Official</u>
Dog Control Ordinance	Calumet County Sheriff's Department or Town Chair or Town Supervisor or Humane Officer
Highway Excavation Ordinance	Town Chair or Town Supervisor
Mobile Home Park Ordinance	Town Chair or Town Supervisor
Overnight Parking	Town Chair or Town Supervisor or Calumet County Sheriff's Department
Uniform Dwelling Code	Building Inspector
Zoning Ordinance	Building Inspector
Any Other Ordinance of Town of Brothertown	Town Chair or Town Supervisor

Section 3. Form of Citation. The form of citation is incorporated herein by reference and shall provide for the following information:

- (a) name and address of the alleged violator;
- (b) the factual allegations describing the alleged violation;
- (c) the time, date and place of the offense;
- (d) the section of the ordinance violated;
- (e) a designation of the offense in such manner as can be readily understood by a person making a reasonable effort to do so;
- (f) the time at which the alleged violator may appear in court;
- (g) a statement which in essence informs the alleged violator:

1. that the alleged violator may make a cash deposit of a specified amount to be mailed to a specified official within a specified time;
2. that if the alleged violator makes such a deposit, the alleged violator need not appear in court unless subsequently summoned;
3. that if the alleged violator makes a cash deposit and does not appear in court, the alleged violator 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, 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;
4. 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 defendant's arrest or consider the nonappearance to be a plea of no contest and enter judgment under Sec. 66.0113(3)(d), or the town may commence an action against the alleged violator to collect the forfeiture, plus costs, fees, and surcharges imposed under Chapter 814.;
5. 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 Sec. 800.093, Wis. Stat.;

- (h) a direction that if the alleged violator elects to make a cash deposit, the alleged violator shall sign an appropriate statement which accompanies the citation to indicate that the alleged violator read the statement required under subsection (g) and shall send the signed statement with the cash deposit;
- (i) such other information as may be deemed necessary.

Section 4. Schedule of Cash Deposits. The schedule of cash deposits plus costs, fees, and surcharges imposed under Chapter 814, for the various ordinances for which a citation may be issued are as established on the deposit schedule adopted by the Town Board, a copy of which is on file with the Town Clerk, and incorporated herein by reference.

Section 5. Receipt of Cash Deposits. Deposits shall be made in cash, money order or certified check to the Clerk of Court of Calumet County, Wisconsin. Receipts shall be given for all deposits received.

Section 6. Options; Default. Section 66.0113(3), Wis. Stat., relating to the alleged violator's options and procedures on default is hereby adopted and incorporated herein by reference.

Section 7. Nonexclusivity of Chapter.

- (a) The adoption and authorization for use of a citation under 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) The issuance of a citation hereunder shall not preclude the Town or any authorized officer from proceeding under any other ordinance or law by any other enforcement method to enforce any ordinance, regulation or order.

(c) The schedule of cash deposits may be amended by resolution by the Town Board which amendments shall be deemed incorporated by reference.

(d) The Town Board or any authorized officer 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.

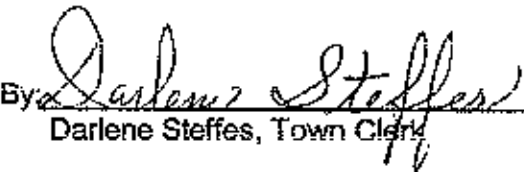
Section 8. Severability. The terms of this section are severable. If any section is found to be void or unenforceable by any court of competent jurisdiction, such finding shall not affect the other parts of this ordinance which shall remain in full force and effect.

Section 9. Effective Date. This ordinance shall be effective upon passage and posting according to law.

TOWN OF BROTHERTOWN TOWN BOARD

By: 
Jeanold Puetz, Chairperson

ATTEST:

By: 
Darlene Steffes, Town Clerk

Adopted: 10-4-05

Posted: 10-17-05

ATTACHMENT TO ORDINANCE 2005-2

TOWN OF BROTHERTOWN

SCHEDULE OF CASH DEPOSITS

ADOPTED: 10/04/05

The following shall be the schedule of cash deposits for violations of the following town ordinances. The forfeiture as indicated shall be increased by \$32.00 which represents the current costs, fees, and surcharges pursuant to Chapter 814, Wis. Stat. \$25.00 is added pursuant to Section 814.63, Wis. Stat., as costs, and \$7.00 is added pursuant to Section 165.755, Wis. Stat., as surcharge. The total amount shown includes the additional \$32.00 costs, fees, and surcharge.

<u>ORDINANCE</u>	<u>FORFEITURE</u>	<u>TOTAL</u>
1. 2003-1 Access to Town Roads (15 - 100)	first offense - \$ <u>25.00</u> second offense - \$ <u>50.00</u> third and subsequent offenses - \$ <u>75.00</u>	\$ <u>57.00</u> \$ <u>82.00</u> \$ <u>107.00</u>
2. 2001-1 Control of Dogs (25 - 100) (50 - 200)	first offense - \$ <u>25.00</u> second offense - \$ <u>50.00</u> third and subsequent offenses - \$ <u>75.00</u>	\$ <u>57.00</u> \$ <u>82.00</u> \$ <u>107.00</u>
3. 4-7-70 Mobile Home Park License (10 - 100)	first offense - \$ <u>25.00</u> second offense - \$ <u>50.00</u> third and subsequent offenses - \$ <u>75.00</u>	\$ <u>57.00</u> \$ <u>82.00</u> \$ <u>107.00</u>
4. 98-1 Regulate Overnight Parking (20 - 40) (50 - 100)	first offense - \$ <u>25.00</u> second offense - \$ <u>50.00</u> third and subsequent offenses - \$ <u>75.00</u>	\$ <u>57.00</u> \$ <u>82.00</u> \$ <u>107.00</u>
5. 2004-2 Uniform Dwelling Code (100 - 200)	first offense - \$ <u>25.00</u> second offense - \$ <u>50.00</u> third and subsequent offenses - \$ <u>75.00</u>	\$ <u>57.00</u> \$ <u>82.00</u> \$ <u>107.00</u>
6. April, 1986 Zoning Ordinance as amended (0 - 200)	first offense - \$ <u>25.00</u> second offense - \$ <u>50.00</u> third and subsequent offenses - \$ <u>75.00</u>	\$ <u>57.00</u> \$ <u>82.00</u> \$ <u>107.00</u>
7. Any other ordinance of Town of Brothertown	first offense - \$ <u>25.00</u> second offense - \$ <u>50.00</u> third and subsequent offenses - \$ <u>75.00</u>	\$ <u>57.00</u> \$ <u>82.00</u> \$ <u>107.00</u>