

TOWN OF NEW HOLSTEIN
CALUMET COUNTY, WISCONSIN

ORDINANCE NO. 1995-01

AN ORDINANCE TO CREATE CHAPTER 2 OF THE CODE OF ORDINANCES OF THE TOWN OF NEW HOLSTEIN, CALUMET COUNTY, WISCONSIN, TO PROVIDE FOR THE USE OF A CITATION.

The Town Board of the Town of New Holstein, Calumet County, State of Wisconsin, do ordain and adopt the following:

2.01. TITLE.

Citation Ordinance for the Town of New Holstein, Calumet County, Wisconsin.

2.02. USE OF CITATIONS.

Pursuant to the authority granted by Section 66.119, Wis. Stats., the use of a citation to be issued for violations of ordinances other than those for which a statutory counterpart exists is hereby authorized.

2.03. OFFICIALS AUTHORIZED TO ISSUE CITATION.

Citations authorized in Section 2.02 above may be issued by law enforcement officers of the Town and by designated Town officials with respect to sections of the Code which are directly related to the official's area of responsibility. The officials granted authority to issue citations under this Section may delegate the authority to other Town employees within the designated official's department with the approval of the Town Board.

2.04. FORM OF CITATION.

The form of the citation to be issued is incorporated herein by reference and shall provide for the following information:

- (a) The name and address of the alleged violator;
- (b) The factual allegations describing the alleged violation;
- (c) The time 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, he need not appear in court unless subsequently summoned;
- (3) That if the alleged violator makes a cash deposit and does not appear in court, he will be deemed to have tendered a plea of no contest and submitted to a forfeiture and a penalty assessment imposed by Sec. 165.87, Wis. Stats., a jail assessment imposed by Sec. 302.46(1), Wis. Stat., any applicable domestic abuse assessment imposed by Sec. 973.055(1), Wis. Stats., and an automatic reinstatement assessment imposed by Sec. 345.54(1), 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;
- (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 the defendant's arrest or consider the non-appearance to be a plea of no contest and enter judgment under Sec. 66.119(3)(d), Wis. Stats., or the Town may commence an action against the alleged violator to collect the forfeiture, the penalty assessment imposed by Sec. 165.87, Wis. Stats., the jail assessment imposed by Sec. 302.46(1), Wis. Stats., any applicable domestic abuse assessment imposed by Sec. 973.055(1), Wis. Stats., and the automatic reinstatement assessment imposed by Sec. 345.54(1), Wis. Stats.;
- (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. Stats.
- (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 he or she 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.

2.05. SCHEDULE OF CASH DEPOSITS.

The schedule of cash deposits 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. In addition to the deposit amount listed, the deposit must include a penalty assessment imposed by Section 165.87, Wis. Stats., and court costs as imposed by Section 800.10, Wis. Stats.

2.06. 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.

2.07. PROCEDURE.

Section 66.119(3) of Wisconsin Statutes relating to violator's options and procedure on default, is hereby adopted and incorporated herein by reference.

2.08. NONEXCLUSIVITY OF CHAPTER.

- (a) Adoption of this Chapter does not preclude the Town Board from adopting any other ordinance providing for the enforcement of any other law or ordinance relating to the same or other matters.
- (b) The issuance of a citation hereunder shall not preclude the Town 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.

2.09. SEVERABILITY.

If any portion of this ordinance is found to be unenforceable by a court of competent jurisdiction, the remainder of this ordinance shall be in full force and effect.

Adopted the 11 day of January, 1995.

TOWN OF NEW HOLSTEIN TOWN BOARD

By: Ralph Steiner
Ralph Steiner, Chairperson

ATTEST:

By: Mary Stein
Mary Stein, Town Clerk

Date Adopted: January 11, 1995

Date Posted: January 25, 1995

TOWN OF NEW HOLSTEIN
SCHEDULE OF CASH DEPOSITS

ADOPTED: 1-11-95

The following shall be the schedule of cash deposits for violations of the following town ordinances:

<u>ORDINANCE</u>	<u>OFFENSE</u>	<u>FORFEITURE</u>	<u>PENALTY ASSESSMENT</u>
1.	Sec. 1.18	first offense	\$ 10
		second offense	\$ 40
		third and following offenses	\$100
2.	All other violations of Chapter 1	first offense	\$ 5
		second offense	\$ 10
		third and following offenses	\$ 20
3.	Ordinance 92-1 (Obstruction of Ditches)	\$100-\$500	\$ 20-\$100
4.	All other ordinance violations not specifically stated in this schedule shall be assessed a forfeiture as follows:		
	First violation	\$ 50	
	Second violation	\$100	
	Third and following violations	\$300	
	Plus applicable penalty assessments and costs.		