

# CITATION ORDINANCE 2 – 2007

STATE OF WISCONSIN

Town of Sampson

County of Chippewa

ORDINANCE #2-2007

## TOWN OF SAMPSON CITATION ORDINANCE

### **Section 1. Title and Purpose.**

The title of this Ordinance is the Town of Sampson Citation Ordinance. The purpose of this ordinance is to authorize the town board of the Town of Sampson, or its designees, to issue citations for violations of Town of Sampson ordinances, including ordinances with statutory counterparts.

### **Section 2. Authority.**

The Town Board of the Town of Sampson has the specific authority under sec. 66.0113, Wis. Stats., to adopt this ordinance.

### **Section 3. Adoption of Ordinance.**

The Town Board of the Town of Sampson, by this ordinance, adopted on proper notice with a quorum and by a roll call vote by a majority of the Town Board present and voting, provides the authority for the Town of Sampson to issue citations for violations of Town of Sampson ordinances, including ordinances with statutory counterparts.

### **Section 4. Coverage.**

A. The Town Board prescribes the form for citations to be issued in the Town of Sampson by the Town Board or its designees, for violations of the Town of Sampson ordinances shall be as provided in this subsection and shall include all of the following:

1. The name, address, and date of birth of the alleged violator.
2. The name and department of the issuing officer.
3. The violation alleged, and the section of the ordinance violated.

4. The factual allegations describing the alleged violation, including the time and place of the violation.
5. The designation of the violation in a manner that can be readily understood by a person making a reasonable effort to do so.
6. A date, time and place for the court appearance and a notice to appear.
7. A statement that in essence informs the alleged violator of all 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 Ch. 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 consider the nonappearance to be a plea of no contest and enter judgment under sec. 66.0113(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 Ch. 814, 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 sec. 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.

B. The Town Board adopts the following schedule of cash deposits that are required for the various Town of Sampson ordinance violations:

For a first offense ordinance violation: \$100 plus current court costs.

For a second or subsequent offense ordinance violation: \$200 plus current court costs.

C. The Town Board names the Chippewa County clerk of circuit court as the person to whom cash deposits are to be made, and requires that receipts be given for cash deposits.

**Section 5. Issuance and Service of Citation.**

Town of Sampson citations may be issued by the Town of Sampson Board Chairperson, or the Town of Sampson Board may designate certain Town of Sampson, Chippewa County or other municipal officials, with their written approval, to issue such citations. Persons authorized to issue citations shall have discretion to issue a warning ticket in lieu of a citation.

The Sampson Town Board has designated the Town Chairperson or any person approved by the Town Board to serve any citations for the Town of Sampson upon issuance. Any person specifically authorized by the Town Board to issue citations by the Town Board of the Town of Sampson may also serve such citations.

**Section 6. 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 of Sampson from adopting any other ordinance or providing for the enforcement of any other law or 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.

**Section 7. Severability.**

If any provision of this ordinance of 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 of application, and to this end, the provisions of this ordinance are severable.

**Section 8. Effective date.**

This Ordinance is effective on publication or posting.

The town clerk shall properly post or publish this ordinance as required under s. 60.80, Wis. Stats.

Adopted this 7 day of August 2007.

Joseph Butterfield, Town Board Chairman

Norman Gutsch, First Supervisor

Chris Haller, Second Supervisor.

Attest: Veda Reed, Town Clerk