

Town of Lincoln, Kewaunee County, Wisconsin

Ordinance # 2019-7

Citation Ordinance

Section I: Title and Purpose

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

Section II: Authority

The Town Board of the Town of Lincoln, Kewaunee County, Wisconsin, has the specific authority under s. 66.0113, Wis. Stats., to adopt this ordinance.

Section III: Adoption of Ordinance

This ordinance, adopted by a majority of the town board on a roll call vote with a quorum present and voting and proper notice having been given, provides the authority for the town to issue citations for violations of the Town of Lincoln ordinances, including ordinance with statutory counterparts.

Section IV: Form of Citation

- A. The form for citations to be issued in the Town of Lincoln by the town board, or its designees, for violations of Town of Lincoln ordinances shall be as provided in this subsection and shall include all of the following as specified by s. 66.0113(b), Wis. Stats.:
 - a. The name and address of the alleged violator.
 - b. The factual allegations describing the alleged violation.
 - c. The time and place of the alleged violation.
 - d. The number of the ordinance violated.
 - e. The designation of the offense in a manner that can be easily 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 that in essence informs the alleged violator of all of the following:
 - i. That a cash deposit based on the schedule established by this or other town ordinances may be made which shall be delivered or mailed to the Clerk of Court prior to the time of the scheduled court appearance.
 - ii. That if a deposit is made, no appearance in court is necessary unless the defendant is subsequently summoned.
 - iii. That if a cash deposit is made and the alleged violator does not appear in court, he / she will be deemed to have entered a plea of no contest, and

submitted a forfeiture plus costs, fees, and surcharges imposed under chapter 814, Wis. Stats.; or if the court does not accept the plea of no contest, a summons will be issued commanding him / her to appear in court to answer the complaint.

- iv. That if no cash deposit is made and the alleged violator does not appear in court at the time specified, the court may issue a summons or warrant for the defendant's arrest or consider the non-appearance to be a plea of no contest and enter judgement under s. 66.0113(3)d), Wis. Stats.; or an action may be commenced to collect the forfeiture plus costs, fees, and surcharges imposed under chapter 814, Wis. Stats.
 - v. 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 the 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 s. 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 that accompanies the citation to indicate that he / she read the statement required under "g" above as required by s. 66.0113(1)(b)7., Wis. Stats. and shall send the statement with the cash deposit.
 - i. Any other information as may be deemed necessary.
- B. The town board adopts the schedule of cash deposits that are required for the various Town of Lincoln ordinance violations, in accordance with the table of noncriminal forfeitures of the Wisconsin Circuit Courts, which includes the costs, fees, and surcharges imposed for each listed violation under chapter 814, Wis. Stats. For town offenses which there is no deposit listed, the deposit shall be for the maximum forfeiture listed in the pertinent ordinance plus applicable costs, fees, and surcharges.
- C. The town board names the following court, clerk of court, or other official to whom cash deposits are to be made and requires that receipts shall be given for cash deposits:
Kewaunee County Clerk of Courts

Section V: Issuance and Service of Citations

- A. Town of Lincoln citations may be issued by the town chair or the town board of the Town of Lincoln.
- B. The town board may designate certain Town of Lincoln, Kewaunee County, or other municipal officials approved by the town board to issue such citations.
- C. Town of Lincoln citations, in addition, may specifically be issued by the Kewaunee County Sheriff. This official may also designate a person to issue such citations for the Town of Lincoln and this official may revoke this authority to issue citations at any time.

Section VI: 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 Lincoln 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.

Section VII: 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.

Section VIII: Effective Date

This ordinance is effective on publication or posting

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

Adopted by the Town Board of Supervisors of the Town of Lincoln, Kewaunee, County,

Wisconsin on this 9th day of Sept, 2019.



Cory Cochart, Chairman



Jordan Nowak, Supervisor #1



Jesse Jerabek, Supervisor #2

CERTIFICATION OF ENACTMENT

I hereby certify that the foregoing ordinance was duly enacted by the Town Board of the Town of Lincoln on this

9th day of Sept., 2019.

M Salmon

Mary Ann Salmon, Town Clerk