

# ORDINANCE NO. 2021-01

Town of Avon  
Rock County, Wisconsin

“Town of Avon Citation Ordinance”

COPY

## SECTION 1 – TITLE & PURPOSE

The title of this ordinance is the Town of Avon Citation Ordinance. The purpose of this ordinance is to authorize the Town Board of the Town of Avon in Rock County, Wisconsin (“Town Board”), or its designees, to issue citations for violations of Town of Avon ordinances, including ordinances with statutory counterparts.

## SECTION 2 – AUTHORITY

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

## SECTION 3 – 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 Board, or its designees, to issue citations for violations of Town of Avon ordinances, including ordinances with statutory counterparts.

## SECTION 4 – COVERAGE

A. Except as provided in subsections D and E, the form for citations to be issued in the Town of Avon by the Town Board, or its designees, for violations of Town of Avon ordinances, shall be as provided in this subsection and shall include all of 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 alleged violation.
4. The number 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.
7. A statement that in essence informs the alleged violator of all of 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 chapter 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 issue a summons or a warrant for the defendant's arrest or consider the nonappearance to be a plea of no contest and enter judgment under s. 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 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 s. 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 s. 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 amount of the cash deposit required for a particular ordinance violation shall be established within the penalty section of each individual ordinance. Each violation shall also include the costs, fees, and surcharges imposed under chapter 814, Wis. Stats.

C. The Town Board names the Rock County Clerk of Court as the entity to whom cash deposits are to be made, and requires that receipts shall be given for cash deposits.

D. The Town Board requires that in traffic regulation violation actions, except for parking regulation violations, the uniform traffic citation specified in s. 345.11, Wis. Stats., shall be used by the Town of Avon in lieu of the citation form described in subsection A.

E. The Town Board requires that in actions for violations of Town of Avon ordinances enacted in accordance with s. 23.33 (11)(am) or 30.77, Wis. Stats., the citation form specified in s. 23.54, Wis. Stats., shall be used in lieu of the citation form described in subsection A.

## SECTION 5 – ISSUANCE & SERVICE OF CITATIONS

Town of Avon citations may be issued by the Town of Avon constable, as well as any member of the Town Board. The Town Board may also designate certain Town of Avon, Rock County, or other municipal officials, with their written approval, to issue 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 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 7 – 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 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 4th day of May, 2021



[Signatures of board]



Attest: [Signature of clerk]

