

CITATION ORDINANCE

(1) Purpose. The purpose of this is to authorize the Town Board of the Town of Excelsior, or its designees, to issue citations for violations of Town of Excelsior ordinances, including ordinances with statutory counterparts.

(2) Authority. The Town Board of the Town of Excelsior, Sauk County, Wisconsin, has the specific authority under s. 66.0113, Wis. Stats., to adopt this section.

(3) Adoption of Ordinance. The Town Board of the Town of Excelsior, by this section, 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 Excelsior to issue citations for violations of Town of Excelsior ordinances, including ordinances with statutory counterparts.

(4) Coverage.

- (a) Except as provided in subsections (d) and (e), the form for citations to be issued in the Town of Excelsior by the Town Board, or its designees, for violations of Town of Excelsior ordinances shall be as provided in this subsection and shall include all of the following:
 - i. The name and address of the alleged violator.
 - ii. The factual allegations describing the alleged violation.
 - iii. The time and place of the alleged violation.
 - iv. The number of the ordinance violated.
 - v. A designation of the offense in a manner that can be readily understood by a person making a reasonable effort to do so.
 - vi. The time at which the alleged violator may appear in court.
 - vii. 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 to 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.
- viii. 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.
- ix. Any other information as may be deemed necessary.
- (b) Penalties or forfeitures for citation violations shall be set forth as in each applicable portion of the Code of Ordinances or other ordinance.
 - (c) The Town Board adopts the schedule of cash deposits that are required for the various Town of Excelsior ordinance violations set forth in Appendix A, which includes for each listed violation costs, fees and surcharges imposed under Chapter 814. Cash deposits are to be made to the Sauk County Clerk of Court and receipts shall be given for cash deposits.

(5) Issuance and Service of Citation.

(a) The Town of Excelsior Town Board has designated the Town Chair or any person approved by the Town Board to serve any citations for the Town of Excelsior upon issuance.

(b) Prior to issuing a citation for a violation of any part of the Code of Ordinances, or any other ordinance, the Town shall allow the violator the opportunity to come into compliance and to pay the amount of forfeiture or penalty then incurred. The Town shall accomplish this requirement by sending written notice by regular U.S. mail to the violator and allowing the violator a minimum of 14 days from the date of the written notice to come into compliance and pay any forfeiture or penalty. The purpose of this section is to allow the violator to come into compliance and pay the forfeiture or penalty without incurring the additional costs that are added to the base forfeiture upon the issuance of a citation. The Town is not required to comply with this provision if the Town Board determines that the public health and safety requires action against the violator without waiting for the 14 day notice period to expire.

(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 Excelsior 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. 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.

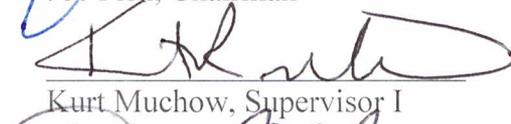
(7) Severability. If any provision of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this ordinance that can be given effect without the invalid provision of application, and to this end, the provisions of this ordinance are severable.

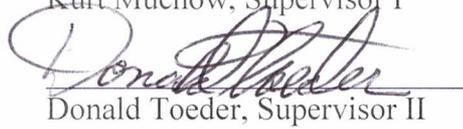
(8) Effective Date. This ordinance is effective on publication or posting. The Town Clerk shall properly post or publish this ordinance as required under s. 60.80, Wis. Stats.

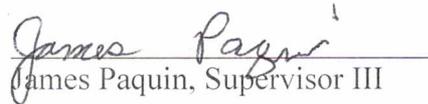
Ordinance	Penalty	Notice Required
Zoning Adoption	None	None
Uniform Dwelling Code	Withholding building permit Injunctive action Penalty: Not less than \$1 nor more than \$100 for each day of violation.	None
Snowmobile Route	None	None
Class "B" Highway	Refers to § 348.21(2).	None
New Development Town Road Ordinance	None	None
Ordinance 03-2006	None	None
Reduce Speed Limit	None	None
Ordinance 03-02	None	None
Naming and accepting "Valley Circle" Road	None	None
Naming and accepting "East Lake Virginia" Road	None	None
Littering Ordinance	\$200.00	None
Flanged Tubes	None	None
Driveway Ordinance	Not less than \$100 nor more than \$200 plus "applicable surcharges and court costs". Each day is a separate violation after expiration of the notice period.	30 days of "notification"
No motor vehicles on the ice of Lake Virginia	None	None
Watercraft on Lake Virginia	None	None
Recycling Ordinance	Violation of 1.18 (1 st) warning and instructions on how to recycle (2 nd) warning and instructions (3 rd) Not more than \$20 and cost of prosecution All other violations: Not less than \$10 nor more than \$20 for each violation with the cost of prosecution.	See penalty section – warnings required
Confidentiality Ordinance	None	None
Plan Commission Ordinance	None	None
Outdoor Furnace Ordinance	Not less than \$100 nor more than \$250 plus applicable surcharges, assessments, and costs. Each day a violation exists or continues shall be considered a separate offense.	Notice must be in writing, shall be served on the person or posed on the land or furnace, building or structure likely to provide notice. In addition, a copy of the notice shall be sent by mail to the owner of the land at the owner's last known address. Notice shall specify that failure to remedy the violation within 10 days of the date of personal service or 12 days from the date of mailing shall result in the issuance of a penalty.
Moratorium	None.	None
Land Division and Subdivision Ordinance	Not less than \$100 nor more than \$1,000 plus cost of prosecution for each violation. Each day a violation exists or continues shall be considered a separate offense.	None

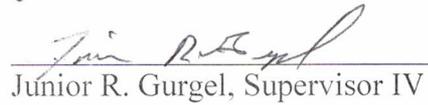
Adopted this 12 day of August, 2008.


Joe Fish, Chairman


Kurt Muchow, Supervisor I


Donald Toeder, Supervisor II


James Paquin, Supervisor III


Junior R. Gurgel, Supervisor IV

Published/Posted this _____ day of _____, 2008.

Attest: 
Lynette M. Gurgel, Clerk
Town of Excelsior