

**ORDINANCE NO. 2023-1
TOWN OF WOODVILLE,
CALUMET COUNTY, WISCONSIN**

ORDINANCE REGARDING FEES AND CITATIONS

1-1 Fee schedule

Fees for permits, licenses, and other Town services shall be as established from time to time by resolution or ordinance, as required by law, of the Town Board and set forth in a fee schedule adopted and maintained by the Town. A copy of the fee schedule is available for inspection and copying in the office of the Town Clerk.

1-2 Ordinance enforcement; penalties

a. Penalty schedule. Penalties for violation of any ordinances adopted by the Town Board in the Town of Woodville, Calumet County, Wisconsin, (the "Ordinances") that are not specifically addressed in the Ordinances shall be subject to the general penalty schedule set forth herein.

b. General penalty. Unless otherwise specifically provided in the penalty schedule referred to herein or in the Ordinances, any person who violates any Ordinances shall, upon conviction, be subject to a penalty as follows:

1. First offense; penalty. For the first offense, forfeiture of not less than \$25.00 nor more than \$500.00 together with the costs of prosecution and, in default of payment of such forfeiture and costs of prosecution, imprisonment in the county jail until such forfeiture and costs are paid, but not for a period exceeding 30 days and not exceeding the penalty authorized by statute.

2. Second offense; penalty. For the second and all subsequent offenses of the same provision or ordinance within one year, forfeiture of not less than \$50.00 nor more than \$1,000.00 for each such offense, together with costs of prosecution and, in default of payment of such forfeiture and costs of prosecution, imprisonment in the county jail until such forfeiture and costs of prosecution are paid, not to exceed 90 days and not to exceed the amount authorized by statute.

c. Continued violations. Each violation and each day a violation continues or occurs shall constitute a separate offense. Nothing in the Ordinances shall preclude the Town from initiating and maintaining any other appropriate action to prevent or remove a violation of any provision of the Ordinances.

d. Execution against defendant's property. Whenever any person fails to pay any forfeiture and costs of prosecution upon the order of any court for violation of any provision of the Ordinances, the court may, in lieu of ordering imprisonment of the defendant, or after the defendant has been released from custody, issue an execution against the property of the defendant for such forfeiture and costs.

1-3 Citation authority

The county sheriff's department and any other persons as may be designated by the Town Board to enforce the Ordinances may issue citations. The Town does hereby authorize the Chairperson and Constable to issue citations.

1-4 Severability

If any provision of the Ordinances is invalid or unconstitutional or if the application of the Ordinances to any person or circumstance is found invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the provision or application of the Ordinances which can be given effect without the invalid or unconstitutional provisions or applications.

1-5 Citation form

a. Except as provided in subsection c), the Town prescribes that the form for citations to be issued in the Town of Woodville for violations of Town 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 offense.
4. 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 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 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 Wis. Stat. § 66.0113(3)(d), 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.

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 Wis. Stat. §800.093.

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 statements required under Wis. Stats. § 66.0113(1)(b)7 and shall send the signed statement with the cash deposit.

9. Any other information as may be deemed necessary.

b. The Town Board names the following court, clerk of court, or other official to whom cash deposits are to be made and require that receipts be given for cash deposits.

Clerk of Court
Calumet County Courthouse
206 Court Street
Chilton, WI 53014

c. The adoption and authorization for use of a citation under this Ordinance does not preclude the Town 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.

1-6 State laws adopted regarding traffic, vehicles, and others

- a. The Town hereby adopts by reference and incorporates into this Ordinance all provisions of Wis. Stats. chs. 23; 340 to 348; and 350 describing and defining regulations with respect to vehicles and traffic for which the penalty is a forfeiture only, including penalties to be imposed and procedure for prosecution, are hereby adopted and by reference made a part of this chapter as if fully set forth herein.
- b. Any act required to be performed or prohibited by any statute incorporated herein by reference is required or prohibited by this Ordinance. Any future amendments, revision or modifications of statutes incorporated herein are intended to be made part of this Ordinance in order to secure uniform statewide regulation of traffic on the highways, streets, and alleys.
- c. The Town hereby adopts by reference and incorporates into this Ordinance the provisions of Wis. Adm. Code Transportation chs. 110, 347 and 348, except rules pertaining to federal motor carrier safety standards, for which the penalty for a violation thereof is a forfeiture, and as from time to time they are amended as if fully set forth herein.
- d. The Town hereby adopts by reference and incorporates into this Ordinance the provisions of Wis. Stat. § 947.01 entitled "Disorderly conduct" and as from time to time amended as if fully set forth herein.

This Ordinance shall become effective upon adoption and publication.

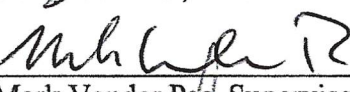
Adopted and passed this 1st day of March, 2023

TOWN BOARD OF THE TOWN OF WOODVILLE

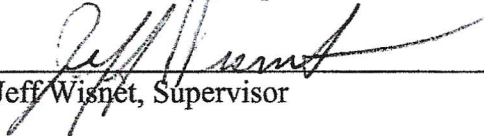
BY:


Corey Schmidt, Chairman


BY:


Mark Vander Pas, Supervisor

BY:


Jeff Wisnet, Supervisor

ATTEST:


Ellen Pattermann, Clerk