

ORDINANCE # 11-01  
STATE OF WISCONSIN  
Town of Stanfold County  
of Barron

TOWN OF STANFOLD CITATION ORDINANCE

**Section 1. Title and Purpose.**

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

**Section 2. Authority.**

The Town Board of the Town of Stanfold has the specific authority under §§66.0111 & 66.0113, Wis. Stats., to adopt this ordinance.

**Section 3. Adoption of Ordinance.**

The Town Board of the Town of Stanfold, 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 Stanfold to issue citations for violations of Town of Stanfold ordinances, including ordinances with statutory counterparts.

**Section 4. Coverage.**

A. The form for citations to be issued in the Town of Stanfold by the Town Board or its designees, for violations of the Town of Stanfold 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 §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.

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 §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 §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 Stanfold ordinance violations unless specified otherwise in a town ordinance: The citation schedule attached hereto as Exhibit A.

**C.** The Town Board names the Barron 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 Stanfold citations may be issued by the Town of Stanfold Board Chairperson, or the Town of Stanfold Board may designate certain Town of Stanfold, Barron 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 Stanfold Town Board has designated the Town Chairperson or any person approved by the Town Board to serve any citations for the Town of Stanfold upon issuance. Any person specifically authorized by the Town Board to issue citations by the Town Board of the Town of Stanfold 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 Stanfold 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.

## **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 of application, and to this end, the provisions of this ordinance are severable.

**Section 8. Amendments.**

Any future amendments, revisions, or modifications of Wisconsin Statutes §66.0111 or §66.0113 or any other statutes referred to in this ordinance are intended to be made part of this ordinance as such amendments, revisions, or modifications are made to said statutes.

**Section 9. Effective date.**

This Ordinance is effective upon publication or posting.

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

Adopted this    day of    , 2011.

ATTEST:

## **Exhibit A: Schedule of Deposits and Enforcement Officials**

Before issuing a town citation, enforcement officials should contact the Barron County Clerk of Court to determine current court costs and procedures. Deposits shall be made in cash, money order, or certified check to the Barron County Clerk of Court who shall provide a receipt. The Town of Stanfold establishes the following schedule of deposits and designates the enforcement official(s) for use with citations issued under this ordinance.

| <b>Ordinance and Violation</b>   | <b>Enforcement Official</b> | <b>Deposits</b>                       |
|--|-----------------------------|---------------------------------------|
| Snow Plow Ordinance  | Not applicable              | Not applicable                        |
| Highway Ordinance  | Not applicable              | Not applicable                        |
| Mobile Home Ordinance: Failure to manage the park  | Not applicable              | Not applicable                        |
| Mobile Home Ordinance: Occupying a mobile home outside of a mobile home park if home was added after August 1, 2000. | Not applicable              | Not applicable                        |
| Mobile Home Ordinance: Failure to pay parking fees.  | Not applicable              | Not applicable                        |
| Mobile Home Ordinance: Section 7   | Not applicable              | Not applicable                        |
| Dog Control Ordinance  | Not applicable              | Not applicable                        |
| Driveway Ordinance   | Chairman of Town Board      | \$25 Deposit plus current court costs |
| Condominium Ordinance  | Not applicable              | Not applicable                        |
| Slow No-Wake   | Not applicable              | Not applicable                        |
| Mail Box Ordinance   | Town Board                  | Not applicable                        |
| Confidentiality of Income and Expenses, etc.   | Not applicable              | Not applicable                        |
| Plan Commission Ordinance  | Not applicable              | Not applicable                        |
| Uniform Dwelling Code  | Town Board                  | \$100 Deposit plus current court      |

|  |                |                |
|--|----------------|----------------|
|  |                | costs          |
| Code of Ordinances                         | Town Board     | Not applicable |
| Adopt the Comprehensive Plan               | Not applicable | Not applicable |
| Zoning Change Ordinance                    | Not applicable | Not applicable |
| Campground Ordinance                       | Town Board     | Not applicable |
| Regarding Administrative Appeals           | Not applicable | Not applicable |
| Speed Limit Ordinance                      | Not applicable | Not applicable |
| All Terrain Vehicle Routes Ordinance       | Not applicable | Not applicable |
| Speed Limit Ordinance                      | Not applicable | Not applicable |
| Land Division Ordinance                    | Not applicable | Not applicable |
| Public Nuisance Ordinance                  | Not applicable | Not applicable |
| Licensing Livestock Facilities             | Not applicable | Not applicable |
| Authorize Shifts for Election Inspectors   | Not applicable | Not applicable |
| Stopping, Standing, or Parking of Vehicles | Not applicable | Not applicable |
| (Proposed) Subdivision Ordinance           | Not applicable | Not applicable |

“See” references are to Wisconsin State Statutes