

**CHAPTER 26**  
**AN ORDINANCE RELATING TO ISSUANCE OF CITATIONS**  
**FOR VIOLATION OF TOWN ORDINANCES FOR**  
**TOWN OF CENTER, OUTAGAMIE COUNTY, WISCONSIN**

The Town Board of the Town of Center, Outagamie County, Wisconsin, has the specific authority under §66.0113, Wis. Stats., to establish the procedures and methods for issuance of citations and enforcement of Town Ordinances, and therefore does hereby create Chapter 26 and ordain this ordinance as follows.

This ordinance, adopted by requisite vote of the town board members on a roll call vote with a quorum present and voting and proper notice having been given, establishes the following code provisions.

**ARTICLE I – PENALTIES.**

**A. General Penalty.** Except where a penalty is provided elsewhere in the Town’s Code of Ordinances, or specifically established by the Town Board, any person who shall violate any of the provisions of the Town’s Code shall, upon conviction of such violation, be subject to a penalty, which shall be as follows:

**(1) First Offense.** Any person who shall violate any provisions of the Code shall, upon conviction thereof, forfeit not less than \$25 nor more than \$500 together with all assessments, court costs, and fees required by law, (“costs of prosecution”), and in default of payment of such forfeiture and costs of prosecution, shall be imprisoned in the County Jail until such forfeiture and costs are paid or when there is appropriate credit for time served, to the extent allowed by Wisconsin Statutes.

**(2) Second and subsequent offenses.** Any person found guilty of violating any provision of this Code who shall previously have been convicted of a violation of the same provision shall, upon conviction thereof, forfeit not less than \$50 nor more than \$1,000 for each such offense, together with costs of prosecution, and in default of payment of such forfeiture and costs, shall be imprisoned in the County Jail until such forfeiture and costs of prosecution are paid or when there is appropriate credit for time served, to the extent allowed by Wisconsin Statutes.

**B. Specific Penalties.** In certain circumstances, the Town Board may elect to adopt a specific penalty outside the general penalty parameters established in § A. Penalties differing from those prescribed by § A, shall, upon adoption, be recorded in the Uniform Forfeiture and Bond Schedule maintained by the Town Clerk.

**C. Separate Offenses Daily.** Each violation and each day a violation continues or occurs shall constitute a separate offense. Nothing in this Code shall preclude the Town from taking or maintaining any appropriate action to prevent or remove a violation of this Code.

**D. Execution for Collection.** Whenever any person fails to pay any forfeiture and costs of prosecution upon the order of the court for violation of any ordinance of the Town, 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 the forfeiture and costs.

## **ARTICLE II - CITATIONS.**

**A. Contents of Citations.** The form of the citation shall contain the following information:

- (1) The name and address of the alleged violator;
- (2) The factual allegations describing the alleged violation;
- (3) The date, time, and place of the offense;
- (4) The section of the Code or ordinance violated;
- (5) A designation of the offense in a manner as 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 which in essence informs the alleged violator that:
  - a. A cash deposit of a specified **FORFEITURE DEPOSIT AMOUNT** may be made, which shall be delivered or mailed to the Outagamie County Court Commissioner prior to the time of the scheduled court appearance.
  - b. If a cash deposit is made, no appearance in court is necessary unless he or she is subsequently summoned.
  - c. If a cash deposit is made and the alleged violator does not appear in court, he or she will be deemed to have entered 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 if the court does not accept the plea of no contest.
  - d. 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 a warrant for the defendant's arrest, consider the nonappearance to be a plea of no contest and enter judgment, or commence an action to collect the forfeiture.
  - e. If the court finds that the violation involves an ordinance that prohibits conduct that is the same 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.
  - f. A direction that if the alleged violator elects to make a cash deposit, the statement which accompanies the citation shall be signed to indicate that the statement required under Subsection **A.(7)** has been read and shall be sent or delivered with the cash deposit;

- g. Such other information as may be deemed necessary.

**B. Officials authorized to issue citations.** Citations authorized under this section may be issued by any law enforcement officer and by the following designated Town officials with respect to sections of the Code which are directly related to the official's area of responsibility. The officials granted authority to issue citations under this Section may delegate the authority to other Town employees, provided such delegation is authorized by the Town Board.

- (1) **Town Chairperson**
- (2) **Any Town Supervisor**
- (3) **Town Clerk**
- (4) **Town Building Inspector**
- (5) **Any other person designated by the Town Board**

**D. Citation procedure not exclusive.**

(1) Adoption of the citation method of enforcement of ordinances 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 other matters.

(2) The issuance of a citation under this section shall not preclude the Town or any authorized officer from proceeding under any other ordinance or law or by any other enforcement method to enforce any ordinance, regulation, or order.

**ARTICLE III - SCHEDULE OF DEPOSITS.**

**A.** The schedule of deposits for the various ordinances for which a citation may be issued shall be listed in the Uniform Forfeiture and Bond Schedule, which shall be established by the Town Board which is incorporated to this ordinance by reference including all future amendments thereto.

**B.** Deposits shall be made in cash, money order, or certified check to the Outagamie County Clerk of Courts, who shall provide a receipt therefor.

**ARTICLE IV - VIOLATOR'S OPTIONS; PROCEDURES ON DEFAULT**

**A. Procedures On Default.** Section 66.0113(3), Wis. Stats., relating to a violator's options and procedures on default, is hereby adopted and incorporated by reference.

## **ARTICLE V – RELATIONSHIP TO OTHER LAWS AND ORDINANCES**

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.

## **ARTICLE VI – SEVERABILITY**

If any provision of this ordinance is invalid or unconstitutional, or if the application of this ordinance to any person or circumstances is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the provisions or applications of this ordinance which can be given effect without the invalid or unconstitutional provision or application.

## Center Forfeiture and Bond Schedule

		<b>Forfeiture Deposit Amount plus Court costs, fees and surcharges</b>		
Ordinance Chapter	Type	1st	2nd	3rd
2	Waste Disposal	\$250	\$500	\$1,000
3	Roads, Culverts & Town Right-of-Ways	\$250	\$500	\$1,000
3.01	Street and Road Construction	\$250	\$500	\$1,000
3.02	Driveways, Culverts and Town Right-of-Ways	\$250	\$500	\$1,000
3.03	Weeds, Trees, Refuse or Snow Placed in Town Right-of-Way	\$250	\$500	\$1,000
3.04	Markers for Objects Placed in Town Road Right-of-Way	\$250	\$500	\$1,000
3.05	Distance from Edge of Pavement	\$250	\$500	\$1,000
4	Regulations on Burning (Industrial & Commercial Zoned Only)	\$250	\$500	\$1,000
7	Garbage	\$250	\$500	\$1,000
8	Alcoholic Beverage Licenses and Permits	\$250	\$500	\$1,000
10	Junk Yards and Automobile Salvage Yards	\$250	\$500	\$1,000
12	Building and Housing	\$250	\$500	\$1,000
15	Burning Bans	\$250	\$500	\$1,000
16	Mobile Homes	\$250	\$500	\$1,000
17	Alarm System/False Alarm Response Fees	\$250	\$500	\$1,000
	For 4th - 6th run in 12-month period	\$250	\$500	\$1,000
	For 7th and beyond in 12-month period	\$250	\$500	\$1,000
19	Noxious Weeds	\$250	\$500	\$1,000
21	All-Terrain/Utility Terrain Vehicle Routes	\$250	\$500	\$1,000
25	Designation of Heavy Traffic Routes (within a 1-year period)	\$250	\$500	\$1,000