

Ordinance No.2

An Ordinance to Provide for the Issuing of Citations for Violations of the Ordinances of the Town of Dewey

Section 1 – Title and Purpose

This ordinance is entitled an Ordinance to Provide for the Issuing of Citations for Violations of the Ordinances of the Town of Dewey. The purpose of this ordinance is to authorize the Town Board of the Town of Dewey, or its designees, or any law enforcement officer to issue citations for violations of the Town of Dewey ordinances, including ordinances with statutory counterparts.

Section 2 – Statutory Authority

The Town Board of the Town of Dewey, Portage County, Wisconsin, has the specific authority under s. 66.0113, Wis. Stats., to adopt this ordinance.

Section 3 – Adoption of Ordinance

The Town Board, by this Ordinance, adopted on proper notice with a quorum and vote call by a majority of the Town Board present and voting, provides the authority for the town to issue citations for violations of the Town of Dewey ordinances, including ordinances with statutory counterparts. A Public Hearing was held before the adoption of this Ordinance and notice of the hearing was given by publication of a Class 1 Notice, under Ch. 985, Wis. Stats.

Section 4 – Coverage

- (A) Except as provided in subsections D and E, the form for citations to be issued in the Town of Dewey by the town board, or its designees, for violations of the Town of Dewey ordinances shall be 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, and a statement describing whether the appearance is mandatory.
 - (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 specific 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 appearance is mandated by the court or he or she is 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 cost, 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 warrant for the defendant's arrest or consider the nonappearance to be a plea of no contest and enter judgment under ss. 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 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 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 ss. 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 Cash Deposit Schedule (Appendix A) that are required for the various Town of Dewey ordinance violations, which includes for each listed violation the costs, fees, and surcharges imposed under Ch. 814, Wis. Stats.: (See Appendix A). A consolidated schedule of cash deposits for violations found in Appendix A shall be maintained by the County Clerk as an appendix to this ordinance. The total forfeiture shall also include all legally applicable and mandated fees, cost, surcharges, and assessments authorized under Wis. Stats. ss. 66.0114(3). The County Clerk shall be authorized to make such technical adjustments to this schedule that may be required by law from time to time.
- (C) The town board names the following court, clerk of court, or other official to whom cash deposits are to be made and requires that receipts shall be given for cash deposits: Portage County Clerk of Courts.
- (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 Dewey in lieu of the citation form described in subsection 1.

- (E) The town board requires that in actions for violations of Town of Dewey ordinances enacted in accordance with ss. 23.33 (11) (am), ss. 23.335 (21) (a), or s. 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 and Service of Citation

- (A) Town of Dewey citations may be issued by the Town Board of the Town of Dewey, or the Town Board of the Town of Dewey may designate certain Town of Dewey, Portage County, or other municipal officials, with their written approval, to issue such citations.
- (B) Town of Dewey citations, in addition, may specifically be issued by the Town Chairperson. The Town Chairperson may also designate a person to issue such citations for the Town of Dewey and the Town Chairperson may revoke this authority to issue citations at any time.
- (C) The Town of Dewey Town Board has designated the Town Chairperson or any person approved by the Town Board to serve any citations for the Town of Dewey upon issuance. Any person specifically authorized by the Town Board to issue citations by the Town Board of the Town of Dewey may also serve such citations.
- (D) Citations for any violation of Town of Dewey's Ordinances or for any State Statute that is adopted by reference in the Town of Dewey ordinances, may be issued by any law enforcement officer.

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 Dewey 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

The provisions of this ordinance shall be deemed severable and it is expressly declared that the Town would have passed the other provisions of this ordinance irrespective of whether or not one or more provisions may be declared invalid. If any provisions of this ordinance or the application to any person or circumstances is held invalid, the remainder of the ordinance and the application of such provisions to other persons or circumstances shall not be deemed affected.

Section 8 – Effective Date

This ordinance shall become effective upon its publication and/or posting in the manner set forth in s. 60.80, Wis. Stats.

Adopted this day of
By the Town Board of the Town of Dewey, Portage County

Maurice King, Chairperson

Dennis Meis, Supervisor

Leroy Pukrop, Supervisor

Attest: _____
Angela Lochinger, Clerk

Appendix A
Town of Dewey
January 20, 2025

Section	Violation	Forfeiture	Court Costs	26% Penalty Surcharge	Jail Surcharge	Crime Lab and Drug Surcharge	Court Support Surcharge	Justice Information Surcharge	75% Weapons Assessment Surcharge	TOTAL
Ord. 3.6(B)1	Town Ordinance Compliance	\$100.00	\$25.00	\$26.00	\$10.00	\$13.00	\$68.00	\$21.50		\$263.50
Ord. 3.6(B)2(a)	Ch. 236.30 WI. Stats. Compliance	\$500.00	\$25.00	\$130.00	\$10.00	\$13.00	\$68.00	\$21.50		\$767.50
Ord. 3.6(B)2(b)	Ch. 236.31 WI. Stats. Compliance	\$300.00	\$25.00	\$78.00	\$10.00	\$13.00	\$68.00	\$21.50		\$515.50
Ord. 3.6(B)2(c)	Ch. 236.32 WI. Stats. Compliance	\$250.00	\$25.00	\$65.00	\$10.00	\$13.00	\$68.00	\$21.50		\$452.20
Ord. 4.4	Failure to License	\$25.00	\$25.00	\$6.50	\$10.00	\$13.00	\$68.00	\$21.50		\$169.00
Ord. 4.6	Failure to Pay School Tax	\$25.00	\$25.00	\$6.50	\$10.00	\$13.00	\$68.00	\$21.50		\$169.00
Ord. 4.7	Failure to Notify of Addition/Removal	\$25.00	\$25.00	\$6.50	\$10.00	\$13.00	\$68.00	\$21.50		\$169.00
Ord. 5.5(A)	Failure to Recycle	\$25.00	\$25.00	\$6.50	\$10.00	\$13.00	\$68.00	\$21.50		\$169.00
Ord. 5.5(C)	Failure to Contract for Recycling Service	\$100.00	\$25.00	\$26.00	\$10.00	\$13.00	\$68.00	\$21.50		\$263.50

Ord. 5.6	Failure to Properly Separate Recyclable Materials	\$25.00	\$25.00	\$6.50	\$10.00	\$13.00	\$68.00	\$21.50		\$169.00
Ord. 5.8	Improper Disposal of Non-Recyclable Materials	\$50.00	\$25.00	\$13.00	\$10.00	\$13.00	\$68.00	\$21.50		\$200.50
Ord. 5.9	Improper Disposal of Non-Collectible Materials	\$100.00	\$25.00	\$26.00	\$10.00	\$13.00	\$68.00	\$21.50		\$263.50
Ord. 5.10	Improper Disposal of Building Waste	\$50.00	\$25.00	\$13.00	\$10.00	\$13.00	\$68.00	\$21.50		\$200.50
Ord. 5.11	Improper Disposal of Yard Waste	\$50.00	\$25.00	\$13.00	\$10.00	\$13.00	\$68.00	\$21.50		\$200.50
Ord. 5.12	Alteration of Recyclable Materials	\$50.00	\$25.00	\$13.00	\$10.00	\$13.00	\$68.00	\$21.50		\$200.50
Ord. 5.13	Improper Time Placement of Collection Containers	\$25.00	\$25.00	\$6.50	\$10.00	\$13.00	\$68.00	\$21.50		\$169.00
Ord. 5.14	Waste Brought in from Outside the Town Limits	\$100.00	\$25.00	\$26.00	\$10.00	\$13.00	\$68.00	\$21.50		\$263.50
Ord. 5.15	Unauthorized Scavenging of Materials Placed for Collection	\$100.00	\$25.00	\$26.00	\$10.00	\$13.00	\$68.00	\$21.50		\$263.50

Ord. 5.16	Solid Waste Accumulation Nuisance	\$100.00	\$25.00	\$26.00	\$10.00	\$13.00	\$68.00	\$21.50		\$263.50
Ord. 5.17	Littering within the Town	\$100.00	\$25.00	\$26.00	\$10.00	\$13.00	\$68.00	\$21.50		\$263.50
Ord. 5.18	Interference with the Collection Process	\$100.00	\$25.00	\$26.00	\$10.00	\$13.00	\$68.00	\$21.50		\$263.50
Ord. 6.6	Failure to follow Utility Placement Requirements	\$100.00	\$25.00	\$26.00	\$10.00	\$13.00	\$68.00	\$21.50		\$263.50
Ord. 6.7	Failure to comply with Driveway Placement Requirements	\$50.00	\$25.00	\$13.00	\$10.00	\$13.00	\$68.00	\$21.50		\$200.50
Ord. 6.8	Violation of Weight Limit Restrictions	\$100.00 plus overload forfeiture	\$25.00	\$26.00	\$10.00	\$13.00	\$68.00	\$21.50		\$263.50 plus Overload Forfeiture
Ord. 6.9(A)	Tampering/Removal of Signs/R-O-W Markers	\$250.00	\$25.00	\$65.00	\$10.00	\$13.00	\$68.00	\$21.50		\$452.50
Ord. 6.9(B)	Encroachment on the Road Right-Of-Way	\$100.00	\$25.00	\$26.00	\$10.00	\$13.00	\$68.00	\$21.50		\$263.50
Ord. 9.4	Failure to Obtain a Building Information Permit	\$25.00	\$25.00	\$6.50	\$10.00	\$13.00	\$68.00	\$21.50		\$169.00

Ord. 10.5	Parking in an Area Designated "No Parking"	\$50.00	\$25.00	\$13.00	\$10.00	\$13.00	\$68.00	\$21.50		\$200.50
Ord. 13.6	Failure to follow a lawfully issued Compliance Order	\$200.00	\$25.00	\$52.00	\$10.00	\$13.00	\$68.00	\$21.50		\$389.50
Ord. 15.4	Failure to Comply with Confidentiality Requirements	\$100.00	\$25.00	\$26.00	\$10.00	\$13.00	\$68.00	\$21.50		\$263.50
Ord. 19.4	Failure to Obtain a No-Fee Permit	\$50.00	\$25.00	\$13.00	\$10.00	\$13.00	\$68.00	\$21.50		\$200.50
Ord. 25.7(A)	Sale of Alcohol Beverage to Underage Person	\$100.00	\$25.00	\$26.00	\$10.00	\$13.00	\$68.00	\$21.50		\$263.50
Ord. 25.7(B)	Sale of Alcohol Beverage to Intoxicated Person	\$100.00	\$25.00	\$26.00	\$10.00	\$13.00	\$68.00	\$21.50		\$263.50
Ord. 25.7(C)	Failure to Maintain an Orderly House	\$100.00	\$25.00	\$26.00	\$10.00	\$13.00	\$68.00	\$21.50		\$263.50
Ord. 25.7(D)	After Hours Violation	\$100.00	\$25.00	\$26.00	\$10.00	\$13.00	\$68.00	\$21.50		\$263.50
Ord. 25.7(E)	Failure to Maintain a Safe and Sanitary Premise	\$200.00	\$25.00	\$52.00	\$10.00	\$13.00	\$68.00	\$21.50		\$389.50