

ORDINANCE NO. 2015-03

TOWN OF BLOOMER, CHIPPEWA COUNTY, WISCONSIN

**-To Create a Citation Ordinance for the Town of Bloomer
for the Enforcement of Ordinance Violations-**

STATE OF WISCONSIN

Town of Bloomer
Chippewa County

SECTION I – TITLE AND PURPOSE

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

SECTION II – AUTHORITY

The Town Board of the Town of Bloomer, Chippewa County, Wisconsin, has the specific authority under §66.0113, Wis. Stats., to adopt this ordinance.

SECTION III - SUBDIVISION AND NUMBERING OF THIS ORDINANCE

This ordinance is divided into sections designated by uppercase Roman numerals. Sections may be divided into subsections designated by uppercase letters. Subsections may be divided into paragraphs designated by numbers. Paragraphs may be divided into subdivisions designated by lowercase letters. Subdivisions may be divided into subdivision paragraphs designated by lowercase Roman numerals. Reference to a "section," "subsection," "paragraph," or "subdivision" includes all divisions of the referenced section, subsection, paragraph, or subdivision.

SECTION IV – COVERAGE

- A. Except as provided in subsections D and E, the form for citations to be issued in the Town of Bloomer for violations of Town of Bloomer 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 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.
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 §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 §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 as its schedule of cash deposits that are required for the various Town of Bloomer ordinance violations, which includes for each listed violation the costs, fees, and surcharges imposed under Ch. 814, Wis. Stats., the attached list Exhibit "A".
- C. The Town Board names as the official to whom deposits are to be made and requires that receipts shall be given for cash deposits: Chippewa County Clerk of Court.
- D. The Town Board requires that in traffic regulation violation actions, except for parking regulation violations, the uniform traffic citation specified in §345.11, Wis. Stats., shall be used by the Town of Bloomer in lieu of the citation form described in subsection A.
- E. The Town Board requires that in actions for violations of Town of Bloomer ordinances enacted in accordance with §23.33(11)(am) or 30.77, Wis. Stats., the citation form specified in §23.54, Wis. Stats., shall be used in lieu of the citation form described in subsection A.

SECTION V – ISSUANCE AND SERVICE OF CITATION

- A. Town of Bloomer citations may be issued by the Town Board or such certain Town of Bloomer officials as may be approved of from time to time by the Town Board, upon its written authorization, to issue such citations.
- B. Town of Bloomer citations may specifically be issued by the Chippewa County Sheriff and the Town Zoning Administrator. This official may also designate a person to issue such Ordinances for the Town of Bloomer and this official may revoke this authority to issue anytime.
- C. The Town of Bloomer Town Board has designated the Town Chair or any person approved by the Town Board to serve any citations for the Town of Bloomer upon issuance. Any person specifically authorized by the Town Board to issue citations by the Town Board of the Town of Bloomer may also serve such citations.

SECTION VI – 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 Bloomer 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 VII – 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 or application, and to this end the provisions of this ordinance are severable.

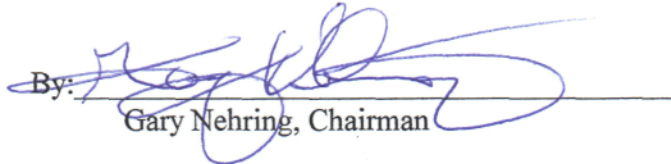
SECTION VIII – EFFECTIVE DATE

This ordinance is effective on publication.

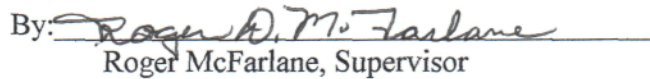
The Town Clerk shall properly publish this ordinance as required under §60.80, Wis. Stats.

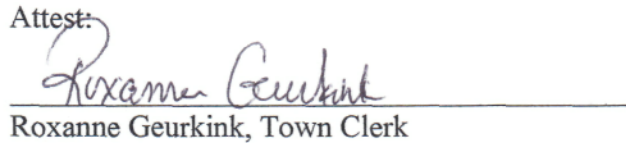
Adopted this 27th day of May, 2015.

TOWN OF BLOOMER

By: 
Gary Nehring, Chairman

By: 
Brian Lueck, Supervisor

By: 
Roger McFarlane, Supervisor

Attest:

Roxanne Geurkink, Town Clerk

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Posted: May 29, 2015

Published: June 3, 2015

Exhibit A
of the Citation Ordinance for the Town of Bloomer

Forfeitures for Violations

1. Dogs
 - a. 1st violation – warning and a license must be obtained
 - b. 2nd violation and each violation thereafter - \$10.00
2. Livestock
 - a. 1st violation – warning
 - b. 2nd violation - \$50.00
 - c. 3rd violation and each violation thereafter - \$100.00
3. Land Use Permit
 - a. Cost of the permit required times two
4. Zoning (other than Land Use Permit)
 - a. \$100.00 per day beginning the first day after the citation is issued
5. Nuisance
 - a. 1st violation – warning with a date to rectify the violation
 - b. Then \$20.00 per day after the date the violation should have been rectified