

## **Ordinance No. 2015-02 Citations**

### **Sec. 11-1-1 Authority**

Pursuant to Sec. 66.0113 Wis. STATS, the Town of Durand elects to use the citation method to enforce its ordinances, including those for which a statutory counterpart exists, and Sec. 66.0113 Wis. STATS is hereby incorporated and made a part of this chapter.

### **Sec. 11-1-2 Contents of Citation**

The citation shall contain the following:

1. Name and address of the alleged violator.
2. Factual allegations describing the alleged violation.
3. Time and place of the offense.
4. Number and section of ordinance violated.
5. A designation of the offense in such manner as can readily be understood by a person making a reasonable effort to do so.
6. Time and date in which the alleged violator may appear in court.
7. A statement which informs the alleged violator that:
  - a. A cash deposit based on the established schedule may be delivered or mailed to a specified official within a specified time.
  - b. If a deposit is made no appearance in court is necessary unless he is subsequently summoned.
  - c. If the violator makes a cash deposit and does not appear in court, either he will be deemed to have tendered a plea of no contest and submitted to a forfeiture [a penalty assessment imposed by Chapter 800 Wis. STATS and a jail assessment imposed by Sec. 302.46(1) Wis. STATS not to exceed the amount of the deposit] or he will be summoned into court to answer the complaint if the court does not accept the plea of no contest.
  - d. If the violator does not make a cash deposit and does not appear in court at the time specified, an action may be commenced against the alleged violator to collect the forfeiture, the penalty assessment imposed by Chapter 800 Wis. STATS and the jail assessment imposed by Sec. 302.46(1) Wis. STATS.
8. 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 required statement has been read. Such statement shall be sent or brought with the cash deposit.

### **Sec. 11-1-3 Form of Citation**

1. The Town adopts for use the Uniform Municipal Citation, Form MC2000, consisting of a five-part citation, a sample of which is on file in the office of the Town Clerk and adopted by reference as if fully set forth herein; provided, however, that all court proceedings shall occur under the jurisdiction of the Pepin County Circuit Court.

### **Sec. 11-1-4 Schedule of Deposits**

1. The Town Clerk shall deposit, with the Clerk of Courts of Pepin County and the Town, a schedule of cash deposits which are to be required for the various ordinance violations and for the penalty assessment imposed by Chapter 800 Wis. STATS and the jail assessment imposed by Sec. 302.46(1) Wis. STATS for which a citation may be issued.
2. The following schedule of cash deposits is established for use with citations issued under this chapter plus court costs set by the Pepin County Circuit Court.

**TOWN OF DURAND CITATION ORDINANCE**

<b>Ordinance/Section</b>	<b>Deposit (+= court cost)</b>
Chapter 16.1 Section 10 Building Permit Ordinance	First Offense- \$50 plus court Costs. Second and subsequent offenses- \$100 plus court costs.
2013-1 Nonmetallic Mining Ordinance	First Offense- \$100 plus court Costs. Second and subsequent offenses- \$200 plus court costs.
Section 13 Zoning Ordinance	First Offense- \$100 plus court Costs. Second and subsequent offenses- \$200 plus court costs.
Section 10 Irrigation Ordinance	First Offense \$50 plus court costs. Second Offense \$100 plus court costs.

**Sec. 11-1-5 Payment of Deposit; Receipt**

1. The alleged violator may pay the cash deposit and court costs directly to the Pepin County Clerk of Court on or before the deadline shown on the citation. The County shall provide a receipt for the payment.

**Sec. 11-1-6 Officers Authorized to Issue Citations**

Any law enforcement officer in the Town may issue citations authorized under this chapter, and the following Town officials may issue citations with respect to those specified sections which are directly related to their official responsibilities:

1. Building Inspector.
2. Zoning Administrator.
3. Town Chairperson.

**Sec. 11-1-7 Options and Procedures on Default**

1. Section 66.0113(3) of the Wisc. STATS, relative to a violator's options and procedures on default, is hereby adopted and incorporated herein by reference.

**Sec. 11-1-8 Effect on other Ordinances and Remedies**

1. Other ordinances. This chapter does not preclude the Town of Durand from adopting any other ordinance or providing for the enforcement of any law or ordinance relating to the same or other matters.
2. Other remedies. The issuance of a citation hereunder 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.

This ordinance is effective on publication or posting.

The town clerk shall properly post or publish this ordinance as required under s. [60.80](#), Wis. stats.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

**Officials Signatures**

\_\_\_\_\_  
Town Chair

\_\_\_\_\_  
Attest: [Signature of town clerk]

\_\_\_\_\_  
Supervisor I

\_\_\_\_\_  
Supervisor II