

ORDINANCE NO. 2007 - 03
CITATION ORDINANCE
TOWN OF KINNICKINNIC

An ordinance relating to issuance of citations for violations of Town ordinances.

SECTION 1 - STATUTORY AUTHORITY

Pursuant to Wisconsin Statutes §66.0113, the Town Board of the Town of Kinnickinnic, St. Croix County, Wisconsin, hereby elects to use the citation method of enforcement for the Town Ordinances described herein.

SECTION 2 - FORM OF CITATION

Citations issued by the Town shall contain the following:

- A. The name and address of the alleged violator;
- B. The factual allegations describing the alleged violation;
- C. The time and place of the offence;
- D. The name of and section of the ordinance violated;
- E. A designation of the offense in a manner that can readily be understood by a person making a reasonable effort to do so;
- F. The time at which the alleged violator may appear in court;
- G. A statement which in essence informs the alleged violator:

1. That a cash deposit based on the schedule established by this ordinance may be made, which shall be delivered or mailed to the Town Clerk at least twenty-four hours prior to the time of the scheduled court appearance.

2. That if a cash deposit is made, no appearance in court is necessary unless he or she is subsequently summoned.

3. That 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 or, if the court does not accept the plea of no contest, that a summons will be issued commanding him or her to appear in court to answer the complaint.

4. That 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 an arrest warrant concerning the defendant, or treat the nonappearance as a plea of no contest and enter judgment and/or that the municipality may commence an action to collect the forfeiture.

5. 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 statements required under "G" herein has been read, which statement shall be sent or

brought with the cash deposit.

6. Such other information as the Town deems necessary.

SECTION 3 - SCHEDULE OF DEPOSITS

The following schedule of cash deposits is established for use with citations issued under this ordinance.

<u>Ordinance Title</u>	<u>Offense</u>	<u>Deposits & Costs</u>
Building Code (Ordinance No 2003 -1a)	Any Violation	\$250.00 plus court costs,
Major Subdivision (Eff. April 14, 1978)	Any Violation	\$500.00 plus court costs,
Developer Agreement (Ordinance No. 2004 -1	Any Violation	\$ 300.00 plus court costs,
Fireworks Ordinance (Ordinance No. 2007-__)	Any Violation	\$500.00 plus court costs

Deposits shall be made in cash, money order or certified check, delivered to the Town Clerk who shall provide a receipt therefore and promptly forward all such funds to the Town Treasurer.

SECTION 4 - ISSUANCE OF CITATION

The following Town officials may issue citations with respect to the ordinance specified.

<u>Ordinance Title</u>	<u>Enforcement Official</u>
Building Code	Town Chair, Building Inspector
Major Subdivision	Town Chair
Developer Agreement	Town Chair
Fireworks Ordinance	Town Chair

SECTION 5 -PROCEDURE

Wisconsin Statues §66.0113(3) relating to violator's options and procedure on default is hereby adopted and incorporated by reference.

SECTION 6. NONEXCLUSIVITY

A. Other Ordinance.

Adoption of this ordinance does not preclude the Town Board from adopting any other ordinance or providing for the enforcement of any other law, ordinance of forfeiture related to the same or any other matter.

B. Other Remedies

The issuance of a citation hereunder shall not preclude the Town Board or any authorized officer from proceeding under any other ordinance, regulation, order or remedy.

SECTION 7 - SEVERABILITY

If any provision of this ordinance is held to be invalid or unconstitutional by a court, or if the application of this ordinance to any person or circumstance is held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity and those provisions of this ordinance which can be given effect without applying or enforcing the invalid or unconstitutional provision.

SECTION 8 - EFFECTIVE DATE

This ordinance shall take effect upon its passage and publication as provided by law.

Passed and adopted this 2 day of April, 2007

TOWN OF KINNICKINNIC

By:

Mary M. Murphy

Mary Murphy, Town Chair

Attest:

Lola Higgins

Lola Higgins, Town Clerk