

Town of Sumner
ORDINANCE # 2017-1014-D
Forfeitures and Citations for Violation of Town Ordinances

STATE OF WISCONSIN
Town of Sumner
Jefferson County

Section 1 - Title and Purpose: This ordinance is titled Ordinance 2017-1014-D *Forfeitures and Citations for Violation of Town Ordinances* and replaces *Citation Ordinance C100-2010-0612* in its entirety. The purpose of this ordinance is; to authorize the Town Board to provide for forfeitures, penalties, costs, and mitigation by other remedies for violations of town ordinances; to designate persons to issue violation notices; to designate persons, agencies, and other governmental units to issue citations to commence actions under 778.10 and 778.12 Wis. Stats. for the recovery of forfeitures; and to employ other legal and collection actions when warranted.

Section 2 - Authority: The Town Board of the Town of Sumner, Jefferson County, Wisconsin has the specific authority under s. 66.0113 Wis. Stats. to enact this ordinance.

Section 3 - Adoption of Ordinance: The Town Board of the Town of Sumner, Jefferson County, Wisconsin, on a roll-call vote with a quorum present and voting and proper notice having been given, do ordain as follows:

Section 4 – Providing for Forfeitures: The Town Board shall name in its ordinances, including ordinances with county or statutory counterparts: forfeitures, penalties, costs, abatement measures, legal recourse for collection, and any other measures as warranted for violation of the ordinance. A cash deposit shall be established in the Town Schedule of Cash Deposits when enacting an ordinance imposing forfeitures.

Section 5 - VIOLATION NOTICES:

- A. Town Ordinance violation notices may be issued by the Town Board, Town Board Chair, the Town Board Clerk, and any persons designated by the Town Board.
- B. Notices may be served in any format to those violating town ordinances including, but not limited to: notice, letter, invoice, or published legal notice.
- C. Service of notices may be by regular mail, certified mail, in person by those designated in Sect. 5. A, by contracted or proxy service, or any other manner appropriate and sufficient to provide notice.
- D. Service may be made for notices issued on behalf of, or within the town by the Town Building Inspector, Jefferson County Sheriff's Department, the Wisconsin Department of Natural Resources, the Rock River Safety Patrol, and any other persons or agencies with statutory authority or named by the Town Board.

Section 6 - CITATIONS:

- A. Authority: The Town of Sumner adopts the citation method of enforcement as a means to collect forfeitures, penalties, fees, or costs related to the violation of a town ordinance as allowed under s. 778.12. Wis. Stats.; and with the authority of s. 66.0113(1)(a), Wis. Stats., citations shall be issued in accordance with Ch. 814 Wis. Stats and conveyed to the Circuit Court for the County of Jefferson.
- B. Citations for town ordinance violations are to be issued by the Town Board Chair.
- C. Additionally, citations may be issued by officials of agencies or organizations with authority to issue citations for violations of their regulating statutes or ordinances. These officials include, but are not limited to: the Town Building Inspector, Jefferson County Sheriff's Department, Department of Natural Resources, and the Rock River Safety Patrol. Additionally, citations may be issued by a person or persons authorized by the official who heads the agency or organization and this official can also revoke this authorization at will.
- D. Those persons, agencies, or others authorized to issue citations shall prescribe the form of the citation in accordance with s. 66.0113(1)(b) Wis. Stats. and shall provide for 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 and name 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 circuit 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 by said court.
 - 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 s. 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 s. 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 by state statute, the circuit court, or the Town Board of the Town of Sumner.

E. The Town Board adopts *Attachment A - Schedule of Cash Deposits* that is required to issue citations for violation of various town ordinances. The Town of Sumner schedule includes for each listed ordinance violation; the forfeiture, the deposit, costs, fees, and surcharges imposed under Ch. 814, Wis. Stats., and shall conform to the deposit schedule of the Jefferson County Circuit Court.

F. The Town Board names the Jefferson County Circuit Court, Wisconsin, and its attendant Clerk of Court as the official to whom cash deposits are to be made and requires that receipts shall be given for cash deposits. Acceptance of cash deposits will be made in accordance with s.66.0111 Wis. Stats.

G. In actions for traffic regulation violations, except for parking regulation violations, the uniform traffic citation specified in s. 345.11, Wis. Stats., shall be used in lieu of the citation form described in Section 7 B.

H. In actions for violations of ordinances enacted in accordance with s. 23.33 (11) (am) (all-terrain vehicles) or s. 30.77, (boating) Wis. Stats., the citation form specified in s. 23.54, Wis. Stats., shall be used in lieu of the citation form described in Section 7 B.

I. *Attachment A - Schedule of Cash Deposits* will be referenced in the Town of Sumner fee schedule and as amended by the Town Board.

Section 7 - Issuance and Service of Citations:

A. The Town Board Chair under the authority and requirements of s. 60.24(3)(z) and s. 778.12 Wis. Stats. shall issue citations for town ordinance violations in conformance with 778.10 and Chap. 814 Wis. Stats. as an electronically filed notice to the Jefferson County District Attorney that a forfeiture has not been recovered by the Town of Sumner in conformance with s. 778.10 and Chap. 814 Wis. Stats..

- B.** The Town of Sumner Town Board designates the Town Chair, and, may authorize any other person, firm, or proxy of the Town Board to issue citations.. Any person specifically authorized by the Town Board to issue Violation Notices for the Town of Sumner may also serve citations.
- C.** Service may be by regular mail, certified mail, in person, by contracted or proxy service, or any other manner appropriate and sufficient.
- D.** 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.
- E.** 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 8 - Severability

If any provision of this ordinance or its application to any person or circumstance is found 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 9 – Non-exclusivity

Adoption of this ordinance in no way precludes adoption of any other ordinance providing for enforcement of any law or ordinance relating to the same or any other subject matter.

Effective Date: This ordinance shall take effect after passage and adoption by the Town Board, and publication and posting as required under s. 60.80, Wis. Stats.

Adopted this 14th day of October, 2017.

_____ John Dohner, Jr., Chairman

_____ Randall Burdick, Supervisor I

_____ Rosemary Olson, Supervisor II

Attest: _____ Glendan Rewoldt, Clerk

Ayes: ____ Noes: ____ Absent: ____ Abstain: ____

Published: _____

Posted: _____