

CITATION ORDINANCE #1114-2

TOWN OF SALEM
Pierce County, Wisconsin

An Ordinance adopting the form and relating to issuance of citations for violations of Town Ordinances. This ordinance supersedes or is an update to any previous ordinance's that may have existed.

WHEREAS, Section 66.0113, Stats., authorizes municipalities so electing to utilize the citation method of enforcement for Ordinances; and

WHEREAS, the Town has the authority to enact Ordinances and to adopt the citation method established under Section 66.0113, Stats., as the Town has heretofore been authorized by its electors to exercise Village powers;

NOW THEREFORE, the Town Board of the Town of Salem do ordain as follows:

PROCEDURES: It is important to the Town Board that an acceptable resolution to problems, of non-compliance be resolved as soon as possible, in the best interest of all parties. Prior to the citation process, the following procedure is to be followed:

- 1.) Send a certified letter of violation, stating that it is imperative that the violator call the Town Chairman to discuss a possible resolution.
- 2.) Violator/violators are to appear at the next scheduled monthly meeting, after the 15 day response time required in the " Ordinance to Regulate Private Access Roads", to discuss and try to resolve the issue of the violation.
- 3.) If no resolution is possible, a citation will be issued.

SECTION 1 - 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 offense;
- D.) The name of and the section of 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. If unable to establish currently, within a 72 hour period the violator will be notified by Town.
- 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 Pierce County Clerk of Court 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 or entity 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 2 - SCHEDULE OF DEPOSITS

The following schedule of cash deposits is established for use with respect to violations of any Ordinance heretofore and hereafter adopted by the Town of Salem, and to that end, to the extent any Ordinance heretofore has been inconsistent herewith, it is hereby amended accordingly.

Violation of Ordinance # _____ adopted on _____ 2014, \$1000.00 forfeiture plus Court costs and costs of prosecution.

Violation of other town ordinances, where a fine is not defined in that ordinance, a fine will be imposed for that ordinance of not less than \$300.00 forfeiture, nor more than \$1,000.00 plus Court costs and costs of prosecution. Fine will be assessed according to the severity of the violation, determined by the Town board.

Deposits shall be made in cash, or money order, delivered to the Pierce County Clerk of Court who shall provide a receipt therefore and promptly forward the Town's share of such funds to the Town Treasurer.

SECTION 3-ISSUANCE OF CITATION

The Town Chairman/Chairperson or his/her designee, any Town Supervisor, or Town Attorney may issue citations with respect to violations of any Ordinances of the town. Citations may also be issued by any Deputy Sheriff of Pierce County.

SECTION 4- PROCEDURE

A.) Wisconsin Statutes 66.0113(3) related to a violators options and procedure on default is hereby adopted and incorporated by reference.

B.) This Ordinance shall not preclude the Town from utilizing and any other Ordinance or remedy to enforce Town Ordinances, including actions for injunctive relief.

SECTION 5-EFFECTIVE DATE

This ordinance is effective on, adoption by the board, publication or posting and after a “60 day Moratorium” has expired. This time period will give the Town Board time to call a “Special Meeting” to explain the ordinance that could affect area residents, and remedies that could be taken to prevent any violations in the future.

The town clerk shall properly post or publish this ordinance as required under s. 60.80, Wis. stats.

Passed and adopted November 11, 2014

TOWN OF SALEM

Paul Shingledecker, Chairman

Attest: _____
Lynette Traynor, Clerk

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