

ORDINANCE # 2018 – 2
CITATION ORDINANCE
(Amends Ordinance 2010-4 & 2013-4)
TOWN OF PRAIRIE LAKE, BARRON COUNTY, WISCONSIN

SECTION I – TITLE AND PURPOSE

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

SECTION II – AUTHORITY

The Town Board of the Town of Prairie Lake, Barron County, Wisconsin, has the specific authority under §§66.0111 and [66.0113](#), Wis. Stats., to adopt this ordinance.

SECTION III – ADOPTION OF ORDINANCE

This ordinance, adopted by a majority of the town board on a roll call vote with a quorum present and voting and proper notice having been given, provides the authority for the town to issue citations for violations of Town of Prairie Lake, Barron County ordinances, including ordinances with statutory counterparts.

SECTION IV – POLICY

As a general policy, the Town of Prairie Lake may attempt to resolve a violation with an alleged offender before issuing a citation. However, the Town may issue a citation without first trying to resolve a violation when the Town feels the situation warrants the same, such as matters involving repeat offenses, uncooperative offenders, and public safety situations. Issuance of a citation or payment of forfeitures associated with a citation does not relieve the offender of responsibility for taking corrective action to be in compliance with Town ordinances. Unless noted otherwise, corrective action shall occur within two weeks of citation issuance. The Town of Prairie Lake, Barron County may issue a new citation and collect additional forfeitures when corrective action is not taken within the allotted time or does not fully comply with Town ordinances.

SECTION V – COVERAGE

A. The form for citations to be issued in the Town of Prairie Lake by the town board, or its designees, for violations of Town of Prairie Lake ordinances shall be MC-2000 (Wisconsin Uniform Municipal Court Citation and Complaint Form) and shall include all of the following:

1. The name and address of the alleged violator.
2. The name and title of the issuing town officer or designee.
3. The violation alleged and the section of the ordinance violated.
4. The factual allegations describing the alleged violation, including the time and place of the violation.
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. In the matter of all offenses that will be adjudicated by the Barron County Circuit Court, the alleged violator is to appear in Circuit Court at 10:00 A.M. the second Wednesday of the month.

7. A statement that in essence informs the alleged violator of all of the following:

a. That if the alleged violator is directed to appear in Circuit Court he/she may make a cash deposit of a specified amount to the Barron County Clerk of Circuit Court no later than one day prior to court date specified.

b. That if the alleged violator makes a cash deposit, he/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/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 Chapter 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 Chapter 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. At the discretion of the citation officer, the alleged violator may be directed to deposit the proscribed penalty to the Clerk of the Town of Prairie Lake. In the event that said action is not taken within the allotted time period then Sec. V(A)(6,7.8.9) of this ordinance shall apply.

C. The town board adopts a schedule of cash deposits that are required for the various Town of Prairie Lake ordinance violations. The Town Board will approve after review for needed changes to the Schedule of Penalties, Fees and Deposits at least once a year.

D. The town board names the Barron County Clerk of Circuit Court or the Clerk of the Town of Prairie Lake as the person to whom cash deposits are to be made and requires that receipts shall be given for cash deposits.

SECTION VI – ISSUANCE AND SERVICE OF CITATION

A. Town of Prairie Lake citations may be issued by the Town of Prairie Lake Board Chairperson or the Town Board of the Town of Prairie Lake may designate certain Town of Prairie Lake, Barron County, or other municipal officials, with its written approval, to issue such citations. Persons authorized to issue citations shall have discretion to issue a warning in lieu of a citation.

B. The Town of Prairie Lake Town Board has designated the Town Chairperson or any person approved by the Town Board to serve citations for the Town of Prairie Lake upon issuance. Any person specifically authorized by the Town Board to issue citations by the Town Board of the Town of Prairie Lake may also serve such citations.

SECTION VII – 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 Prairie Lake 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 VIII – SCHEDULE OF FEES & DEPOSITS

See “Town of Prairie Lake Schedule of Penalties, Fees, Deposits & Enforcement”

SECTION IX – 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 X – EFFECTIVE DATE

This ordinance is effective on publication or posting.

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

Adopted this 10th day of July, 2018.

ATTEST:

Karn Moe, Clerk

Dale Lehner, Chairman

Janice Rustong, Supervisor

Wayne Brenholt, Supervisor