

**Town of Spider Lake
Sawyer County, Wisconsin
Ordinance No. 2013-01
Citation Ordinance**

Section 1. Title and Purpose

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

Section 2. Authority

The Town Board of the Town of Spider Lake has the specific authority under §66.0111 & §66.0113, Wis. Stats., to adopt this ordinance.

Section 3. Adoption of Ordinance

The Town Board of the Town of Spider Lake, by this ordinance, adopted on proper notice with a quorum and by a roll call vote by a majority of the Town Board present and voting, provides the authority for the Town of Spider Lake to issue citations for violations of Town of Spider Lake ordinances, including ordinances with statutory counterparts.

Section 4. Coverage

A. The form for citations to be issued in the Town of Spider Lake by the Town Board or its designees, for violations of the Town of Spider Lake ordinances shall be as provided in this subsection and shall include all of the following:

1. The name, permanent address, phone number, and date of birth of the alleged violator.
2. The name and organizational affiliation of the issuing officer. (County Deputy, Town Chairperson, Town Board Supervisor, Zoning Administrator, DNR, etc.)
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. The designation of the violation in a manner that can be readily understood by a person making a reasonable effort to do so.
6. If known, the date, time and place for the court appearance and a notice to appear.
7. A statement that in essence informs the alleged violator of all 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.
 - 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 §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 consider the nonappearance to be a plea of no contest and enter judgment under §66.0113(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 §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. The Town Board adopts the following schedule of cash deposits that are required for the various Town of Spider Lake ordinance violations unless specified otherwise in a town ordinance: The citation schedule attached hereto as **Exhibit A**.

C. The Town Board names the Sawyer County Clerk of Circuit Court as the person to whom cash deposits are to be made, and requires that receipts be given for cash deposits.

Section 5. Issuance and Service of Citation and Alternative Procedure

A. Town of Spider Lake citations may be issued by the Town of Spider Lake Board Chairperson, the Town Board, and any other persons designated by the Town Board. Persons authorized to issue citations shall have discretion to issue a warning ticket in lieu of a citation. The Spider Lake Town Board also designates its Zoning Administrator, any deputy Zoning Administrator and its UDC inspector to issue citations as to any building or zoning matters. Citations also may be issued by any law enforcement officer authorized to enforce the laws of the state of Wisconsin.

B. Alternative to Issuance of Citation. The Town of Spider Lake may authorize its attorney to file a Summons and Complaint to seek enforcement and future compliance of the town's ordinances.

Section 6. 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 Spider 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.

Section 7. 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 of application, and to this end, the provisions of this ordinance are severable.

Section 8. Amendments

Any future amendments, revisions, or modifications of Wisconsin Statutes §66.0111 or §66.0113 or any other statutes referred to in this ordinance are intended to be made part of this ordinance as such amendments, revisions, or modifications are made to said statutes.

Section 9. Effective date

This Ordinance is effective upon publication or posting. The town clerk shall properly post or publish this ordinance as required under §60.80 Wis. Stats.

Adopted this 13th day of February, 2013

Brian S. Hucker, Town Chair

George J. Brandt, Supervisor

Michael McGuinness, Supervisor

Ralph Meyer, Supervisor

John A. Cerman, Supervisor

Attest:

Christine Ferda, Town Clerk