

ORDINANCE # 44  
CITATION ORDINANCE

STATE OF WISCONSIN

Town of Namakagon

Bayfield County

SECTION I – TITLE AND PURPOSE

The title of this ordinance is the Town of Namakagon Citation Ordinance. The purpose of this ordinance is for the Town of Namakagon or it's designees to issue citations for violations of Town of Namakagon ordinances, including ordinances with statutory counterparts.

SECTION II – AUTHORITY

The Town Board of the Town of Namakagon has the specific authority under s. [175.25](#), Wis. stats., and general authority under its village powers under s. [60.22](#), 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 Namakagon ordinances, including ordinances with statutory counterparts.

SECTION IV - SUBDIVISION AND NUMBERING OF THIS ORDINANCE

This ordinance is divided into sections designated by uppercase Roman numerals. Sections may be divided into subsections designated by uppercase letters. Subsections may be divided into paragraphs designated by numbers. Paragraphs may be divided into subdivisions designated by lowercase letters. Subdivisions may be divided into subdivision paragraphs designated by

lowercase Roman numerals. Reference to a "section," "subsection," "paragraph," or "subdivision" includes all divisions of the referenced section, subsection, paragraph, or subdivision.

(1)

## SECTION V- COVERAGE

A. Except as provided in subsections D and E, the form for citations to be issued in the Town of Namakagon by the town board, or its designees, for violations of Town of Namakagon ordinances shall be as provided in this subsection and shall include all of 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 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 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 specific official within the 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 will be deemed to have tendered a plea of no contest and submitted to a forfeiture.
  - 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 warrant for the defendant's arrest or consider the nonappearance to be a plea of no contest and enter judgement 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 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 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.
- B. The town board adopts the following schedule of cash deposits that are required for the various Town of Namakagon ordinance violations, which includes for each listed violation the costs, fees, and surcharges imposed under chapter 814, Wis. stats.,
- Ord. 11 Firearms Ord. not less than \$1000 plus costs and surcharges.
  - Ord. 15 Dogs Running at Large: not less than \$50 nor more than \$500 plus costs and surcharges.
  - Ord. 17 Snowmobile route: not less than \$75 nor more than \$500 plus costs and surcharges.
  - Ord. 25 Public Nuisance: not less than \$100 nor more than \$1000 plus costs and surcharges.
  - Ord. 27 Fireworks Control: not less than \$50 nor more than \$500 plus costs and surcharges.
  - Ord. 32 ATV/UTV Ordinance: not less than \$75 nor more than \$500 plus costs and surcharges.
  - Ord. 36 Junked Vehicles: not less than \$500 nor more than

\$10,000 plus costs and surcharges.

Ord. 42 Alarm Ord.: not less than \$100 for second occurrence \$175 for third occurrence, and \$200 for 4<sup>th</sup> and future occurrences, plus costs and surcharges.

Ord. 43 Adult Entertainment Ord: 1st Offense. Any person who violates this ordinance shall, upon conviction, have their liquor license suspended for 6 months, a \$500 fine, and pay the costs of prosecution, Second and Subsequent Offenses; Penalty. Any person guilty of violating this ordinance or any person who has previously been convicted of a violation of this ordinance shall, have the liquor license for the premises revoked for a period of 1 year and forfeit not less than \$100 nor more than \$1,000 for each offense, together with the costs of prosecution.

(3)

C. The town board names the following court, clerk of court or other official to whom cash deposits are to be made and requires that receipts shall be given for cash deposits: Town of Namakagon Town Clerk.

D. The town board requires that in traffic regulation violation actions except for parking regulation violations, the uniform traffic citation specified in 345.11, Wis. stats., shall be used by the Town of Namakagon in lieu of the citation form described in subsection A.

E. The town board requires that in actions for violations of Town of Namakagon ordinances enacted in accordance with s.23.33(11)(am) or 30.77, Wis. stats., the citation form specified in 23.54, Wis. stats., shall be used in lieu of the citation form described in subsection A.

## SECTION VI - ISSUANCE AND SERVICE OF CITATION

A. Town of Namakagon citations may be issued by the Town Board of the Town of Namakagon, the Town of Namakagon Enforcement Officer, or the Town Board of the Town of

Namakagon may designate certain Town of Namakagon, Bayfield County, or other municipal officials with written approval to issue such citations.

B. Town of Namakagon citations, in addition, may specifically be issued by the Town of Namakagon Chairman. This official may also designate a person to issue such ordinances for the Town of Namakagon and this official may revoke this authority to issue anytime.

C. Citations may be served personally or sent by first class mail.

#### 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 Namakagon 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 other matter. Proceeding under any other ordinance or law relating to the same or other matter does not preclude the issuance of a citation under this ordinance.

#### SECTION VIII – 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 IX – EFFECTIVE DATE

This ordinance is effective on publication or posting.

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

Adopted this 13th day of June, 2017.

---

Town Chairman

---

Supervisor

---

Supervisor

---

Town Clerk

(5)