

Chapter 23

CITATIONS

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HISTORY: Adopted by the Town Board of the Town of Washington 6-19-1986 as §§ 4.20 to 4.25 of the 1986 Code. Amendments noted where applicable.]

§ 23-1. Adoption of citation method.¹

The Town Board of the Town of Washington hereby elects to use the citation method of enforcement of Town ordinances described herein, other than those for which a statutory counterpart exists.

§ 23-2. Form of citation.

The citation 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 section of the ordinance violated;
- E. A designation of the offense in such manner as 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;
- G. A statement which in essence informs the alleged violator:
 - (1) That a cash deposit based on the schedule established by this chapter may be made which shall be delivered or mailed to the Clerk of Court prior to the time of the scheduled court appearance.
 - (2) That if a deposit is made, no appearance in court is necessary unless he is subsequently summoned.
 - (3) 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

1. Editor's Note: See § 66.0113, Wis. Stats.

into court to answer the complaint if the court does not accept the plea of no contest.²

- (4) 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 Ch. 814, Wis. Stats.³
- (5) 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.⁴

- H. 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 statement required under Subsection G above has been read. Such statement shall be sent or brought with the cash deposit;
- I. Such other information as the Town deems necessary.

§ 23-3. Schedule of deposits.

- A. The following schedule of cash deposits is established for use with citations issued under this chapter.

Code Section	Offense	Deposits and Costs
Ch. 50, Fire Department, § 50-11 ⁵	Violation	\$100 plus costs plus 15% of the amount of the forfeiture for the first offense; \$250 plus costs plus 15% of the amount of the forfeiture for second and each subsequent offense
Ch. 150, Airport, § 150-4	Violation	\$50 plus \$10 costs plus 15% of the amount of the forfeiture
Ch. 150, Airport, § 150-5	Violation	\$50 plus \$10 costs plus 15% of the amount of the forfeiture
Ch. 157, Art. I, Dogs, §§ 157-1 to 157-6	Violation	\$25 plus \$10 costs plus 15% of the amount of the forfeiture
Ch. 176, Cemeteries, § 176-6	Violation	\$25 plus \$10 costs plus 15% of the amount of the forfeiture
Ch. 184, Curfew, §	Violation	\$25 plus costs plus 15% of the

2. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).
3. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).
4. Editor's Note: Added at time of adoption of Code (see Ch. 1, General Provisions, Art. II).
5. Editor's Note: Added at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

Code Section	Offense	Deposits and Costs
184-1 [Added 3-13-2000 by Ord. No. 2000-2]		amount of the forfeiture
Ch. 192, Direct Sellers, §§ 192-1 to 192-9	Violation	\$50 plus \$10 costs plus 15% of the amount of the forfeiture
Ch. 205, Firearms and Weapons, §§ 205-2 and 205-3	Violation	\$50 plus \$10 costs plus 15% of the amount of the forfeiture
Ch. 252, Littering, §§ 252-1 and 252-2	Violation	\$50 plus \$10 costs plus 15% of the amount of the forfeiture
Ch. 273, Nuisances, §§ 273-1 to 273-8	Violation	\$100 plus \$10 costs plus 15% of the amount of the forfeiture
Ch. 281, Parks, Beaches and Boating, §§ 281-4 to 281-8	Violation	\$50 plus \$10 costs plus 15% of the amount of the forfeiture
Ch. 298, Roads and Driveways, §§ 289-1 to 298-34	Violation	\$200 plus \$10 costs plus 15% of the amount of the forfeiture
Ch. 323, Solid Waste, §§ 323-1 to 323-5	Violation	\$50 plus \$10 costs plus 15% of the amount of the forfeiture

- B. Deposits shall be made in cash, money order or certified check to the Town Clerk/Treasurer of the Town of Washington who shall provide a receipt therefore.

§ 23-4. Issuance of citation.

The following Town officials may issue citations with respect to those specified ordinances which are directly related to their official responsibilities:

- A. Any person with whom the Town Board contracts for law enforcement in the Town, pursuant to § 105-11B of this Code, may issue citations for any violations of Town ordinances.
- B. The Town of Washington may issue citations for any violations of Chapter 252, Littering, and Chapter 323, Solid Waste, of this Code.⁶
- C. The Town Board may issue citations for any violations of Chapter 230, Intoxicating Liquor and Fermented Malt Beverages, Chapter 273, Nuisances, and Chapter 310, Article I, Holding Tanks, of this Code.
- D. The Fire Chief is authorized to issue citations for violations of any fire prevention codes, ordinances, rules and regulations.⁷

6. **Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).**

7. **Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).**

§ 23-5. Procedure.

Section 66.0113(3), Wis. Stats., relating to violator's options and procedures on default is hereby adopted and incorporated by reference.

§ 23-6. Nonexclusivity.

- A. Other ordinance. Adoption of the citation method does not preclude the Town Board from adopting any other ordinance or section of this Code, or providing for the enforcement of any other law or ordinance relating to the same or other matter.
- B. Other remedies. The issuance of a citation hereunder shall not preclude the Town Board or any authorized officer from proceeding under any other ordinance, law or sections of this Code, or by any other enforcement method to enforce any ordinance, regulation or order.