Town of Wascott
Douglas County, Wisconsin

Ordinance 2013-05
Amendment to Citation Ordinance 2012-03
Exhibit A

Section 1. Title and Purpose

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

Section 2. Authority

The Town Board of the Town of Wascott 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 Wascott, 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 Wascott to issue citations for violations of Town of Wascott ordinances, including ordinances with statutory counterparts.

Section 4. Coverage

A. The form for citations to be issued in the Town of Wascott by the Town Board or its designees, for violations of the Town of Wascott 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 Board Supervisor, Constable, 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 Wascott ordinance violations unless specified otherwise in a town ordinance: The citation schedule attached hereto as **Exhibit A**.

C. The Town Board names the Douglas 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

Town of Wascott citations may be issued by the Town of Wascott Board Chairperson, any member of the Town Board, or the Town Board may designate certain Town of Wascott, Douglas County or other municipal officials, with their written approval, to issue such citations. Persons authorized to issue citations shall have discretion to issue a warning ticket in lieu of a citation.

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

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 Wascott 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. Amendments to Exhibit A are identified with a star *.

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.

_____ _____

Town Board Chair Town Supervisor

_____ _____

Town Supervisor Town Supervisor

_____

_____

_____

Town Supervisor

Adopted this 4th day of June, 2013.

_____

Town Clerk/Treasurer Attest:

Exhibit A: Schedule of Deposits and Enforcement Officials

Before issuing a town citation, enforcement officials shall attempt to contact the Douglas County Clerk of Court to determine current court costs and procedures. Deposits shall be made in cash, money order, or certified check to the Douglas County Clerk of Court who shall provide a receipt. The Town of Wascott establishes the following schedule of deposits and designates the enforcement official(s) for use with citations issued under this ordinance.

"**§**" references are to "Wisconsin Statutes"
"**¶**." references are to "Paragraphs" within the applicable Town Ordinance
"**S.**" references are to "Sections" within the applicable Town Ordinance

Ordinance Number	Ordinance Name (Violations/Penalties)	Enforcement Official	Deposits
1965-01	**Gas Franchise**	Not applicable	Not applicable
1974-01	**Leash Law for Dogs (S. a-c / S.d)**	**2012-03 S. 5**	**Forfeiture:** $25
1985-02	**Highway Injury (¶.2 / ¶.2)**	**2012-03 S. 5**	**Forfeiture:** Triple damages
1988-01	**Minong Flowage (S. 3 / S. 4)**	**2012-03 S. 5**	**Forfeiture:** Not > $50 (1st violation) Not > $100 (2nd or more)
1988-02	**Outdoor Dance Permit (¶.3 / ¶.4)**	**2012-03 S. 5**	**Penalty:** Possible loss of liquor license
1988-03	**Delinquent Taxes & Alcohol License**	Not applicable	Not applicable
1989-01	**Garbage Collection & Removal**	Not applicable	Not applicable
1990-01	**Littering & Debris (¶.3 / ¶.4)**	**2012-03 S. 5**	**Forfeiture:** $500 + court costs
1991-02	**All Wascott Lakes (S. 2-4 / S. 5)**	**2012-03 S. 5**	**Forfeiture:** Not < $10 Not > $50 + court costs
1992-02	**Provisional Operators License**	Not applicable	Not applicable
1995-01	**Alcohol Licenses (S. 1 / S. 2)**	**2012-03 S. 5**	**Penalty:** Reprimand (or) Suspension (or) Revocation of license

Ordinance Number	Ordinance Name (Violations/Penalties)	Enforcement Official	Deposits
1998-01	**Haugen Lake (S. 3-4 / S. 6)**	**2012-03 S. 5**	**Forfeiture:** Ref.§30.80, Wis. Stats.
2002-01	**Constable Duties**	Not applicable	Not applicable
2002-02	**Road Access (S. 1-7 / S. 8)**	**2012-03 S. 5**	Responsible party pays all costs for removal of illegal access
2004-01	**Cemetery Resolutions May 2007**	Not applicable	Not applicable
2004-02	**Town Plan Commission**	Not applicable	Not applicable
2005-01	**Comprehensive Plan 2025**	Not applicable	Not applicable
2006-01	**Road Damage (S. 2 / S. 3)**	**2012-03 S. 5**	Responsible party pays all costs of road repair
2008-01	**Adopt Uniform Dwelling Code (S. 1.3-1.7 / S. 1.8)**	**2012-03 S. 5**	**Forfeiture per day:** Not < $25 Not > $1,000 + court costs
2008-02	**Fire Volunteer Funds**	Not applicable	Not applicable
2009-01	**Claims Procedure**	Not applicable	Not applicable
2009-02	**Enact 5 Member Board**	Not applicable	Not applicable
2010-01*	**Placement of Snow On Roadways (S. 1 / S. 2)**	**2012-03 S. 5**	**Forfeiture:** $100 + court costs per violation per day
2010-02	**Regulation of Boating Cranberry Lake Flowage (S. 4-5 / S. 7)**	**2012-03 S. 5**	**Forfeiture:** Ref. §30.80, Wis. Stats.
2010-03	**ATV Ordinance (S. 5-7 / S. 9)**	**2012-03 S. 5**	**Forfeiture:** Ref. §23.33 (13), Wis. Stats.
2010-04	**Regulation of Boating-Cranberry Lake (amended 2010-02) (S. 4-5 / S. 7)**	**2012-03 S. 5**	**Forfeiture:** Ref. §30.80, Wis. Stats.
2010-05	**Amend ATV Ord to Add Routes**	Not applicable	Not applicable
2010-06	**Snowmobile Vehicle Ordinance (S. 4-6 / S. 7)**	**2012-03 S. 5**	**Forfeiture:** Ref. §350.11, Wis. Stats.
2010-07	**Cemetery Amendment**	Not applicable	Not applicable
2011-01*	**Building Information Permit Ordinance (S. VI- IX / S. X)**	**2012-03 S. 5**	**Forfeiture:** No building permit: $200 Other provisions: $25 - $100 + court costs per violation

Ordinance Number	Ordinance Name (Violations/Penalties)	Enforcement Official	Deposits
2011-02	**Amend 2004-01**	Not applicable	Not applicable
2012-01	**Establishing Split Shifts for Election Workers**	Not applicable	Not applicable
2012-02	**Extend Town Officer Terms**	Not applicable	Not applicable
2012-03	**Citation Ordinance**	Not applicable	Not applicable
2012-04	**Moratorium for Nonmetallic Mining**	**2012-03 S. 5**	**Forfeiture:** $500 + court costs
2012-06*	**Blasting Ordinance (S. 18 / S. 19)**	**2012-03 S. 5**	**Forfeiture:** Not < $1,000 Not > $10,000 + court costs
2012-09*	**Amend ATV Ord 2010-03**	Not applicable	Not applicable
2012-10*	**ATV-UTV Routes - repeals Ordinances 2000-01, 2010-03, 2010-05, 2012-09**	Not applicable	Not applicable
2013-01*	**Amendment to Ord 2012-04 Moratorium Extension**	Not applicable	Not applicable
2013-02*	**Amendment to Ord 2004-02 Town Plan Commission**	Not applicable	Not applicable
2013-03*	**Nonmetallic Mine Operator's License (S. 9.2 / S. 9.4-6)**	**2012-03 S. 5**	**Forfeiture:** Not < $100 Not > $5,000 + court costs

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