# Town of Wascott
# Douglas County, Wisconsin
## Ordinance 2014-06
## Amendment to Citation Ordinance 2012-03
## Exhibit A
### and as Amended 6/4/2013 and 4/8/2014

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.

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.

Greg Jensen, Town Board Chair

Rick Moravec, Town Supervisor

Lynn Koalska, Town Supervisor

Bill Stapp, Town Supervisor

Mike Stupak, Town Supervisor

Published this 8th day of April, 2014

Attest: Jeannette Atkinson, Clerk/Treasurer

## 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:**<br>Not > $50 (1st violation)<br>Not > $100 (2nd or more) |
| **1988-02** | **Outdoor Dance Permit ( ¶.3 / ¶.4 )** | 2012-03 **S. 5** | **Penalty:**<br>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 +<br>court costs |
| **1991-02** | **All Wascott Lakes ( S. 2-4 / S. 5 )** | 2012-03 **S. 5** | **Forfeiture:**<br>Not < $10<br>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<br>(or) Suspension (or)<br>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:** As per §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:** $50 per violation per day + court costs |
| **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 )**~~ **(Repealed by Ordinance 2012-10)** | ~~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**~~ **(Repealed by Ordinance 2012-10)** | ~~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 |

| Ordinance Number | Ordinance Name (Violations/Penalties) | Enforcement Official | Deposits |
|---|---|---|---|
| **2011-01** | **Building Information Permit Ordinance ( S. VI- IX / S. X )** | 2012-03 **S. 5** | **Forfeiture:** No building permit: $200 Other provisions: $25 - $100 + costs for each violation |
| **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 ( S.5 / S.9 )** | 2012-03 **S. 5** | **Forfeiture:** $500 per violation |
| **2012-06** | **Blasting Ordinance ( S. 18 / S. 19)** | 2012-03 **S. 5** | **Forfeiture:** $100 - $1,000 per violation |
| **2012-08** | **Amend Ord 2004-01** | Not applicable | Not applicable |
| ~~**2012-09**~~ | ~~**Amend ATV Ord 2010-03**~~ **(Repealed by Ordinance 2012-10)** | ~~2012-03 **S. 5**~~ | ~~**Forfeiture:** Ref. §23.33 (13), Wis. Stats.~~ |
| **2012-10** | **ATV-UTV Routes ( S. 8 / S. 9)** | 2012-03 **S. 5** | **Forfeiture:** Ref. §23.33 (13), Wis. Stats. |
| **2013-01** | **Amendment to Ord 2012-04 Moratorium Extension (S.5 / S.9 )** | 2012-03 **S. 5** | **Forfeiture:** $500 per violation |
| **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:** $100 - $5,000 per violation |
| **2013-04** | **Amendment to Ord 2010-01 Regulate Placement of Snow on Roadway(S. 2 )** | 2012-03 **S. 5** | **Forfeiture:** $100 per violation per day + court costs |
| **2013-05** | **Amend Ord 2012-03 Citation Ordinance** | Not applicable | Not applicable |
| **2013-06** | **Amend Ord 2012-10 ATV/UTV Route Ordinance ( S. 8 / S. 9)** | 2012-03 **S. 5** | **Forfeiture:** Ref. §23.33 (13), Wis. Stats. |
| **2013-07** | **Amend Ord 2012-10 ATV/UTV Route Ordinance ( S. 8 / S. 9)** | 2012-03 **S. 5** | **Forfeiture:** Ref. §23.33 (13), Wis. Stats. |
| **2013-08** | **Rules – Cemetery Changes** | Not applicable | Not applicable |
| **2013-09** | **Amend Ord 2012-10 ATV/UTV Route Ordinance ( S. 8 / S. 9)** | 2012-03 **S. 5** | **Forfeiture:** Ref. §23.33 (13), Wis. Stats. |
| **2014-01** | **Amend Ord 2004-02 Plan Commission Ordinance** | Not applicable | Not applicable |
| **2014-02** | **Amend Ord 2012-03 Citation Ordinance** | Not applicable | Not applicable |

| Ordinance Number | Ordinance Name (Violations/Penalties) | Enforcement Official | Deposits |
|---|---|---|---|
| **2014-03** | **Amend Ord 2013-09 ATV/UTV Route Ordinance ( S. 8 / S. 9 )** | Not applicable | Not applicable |
| **2014-04** | **Rules – Cemetery Changes** | Not applicable | Not applicable |
| **2014-05** | **Dumping Regulations ( S. 3 )** | 2012-03 **S. 5** | **Forfeiture:**<br>$50 - First offense<br>$200 - Repeat offenses |
| **2014-06** | **Amend Ord 2012-03 Citation Ordinance** | Not applicable | Not applicable |
| **2014-07** | **Amend Ord 2004-03 Plan Commission Ordinance** | Not applicable | Not applicable |
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