

Town Ordinances

Town of Farmington, Wisconsin - Jefferson County



Chapter 9

Town Citation

CHAPTER 9

TOWN OF FARMINGTON ORDINANCE RELATING TO ISSUANCE OF CITATIONS FOR VIOLATIONS OF TOWN ORDINANCES

The Town Board of Supervisors of the Town of Farmington, Jefferson County, does ordain as follows:

SECTION 1: STATUTORY AUTHORITY

Pursuant to Section 66.119 of Wisconsin Statutes, the Town Board hereby elects to use the citation method of enforcement of town ordinances described herein, or in a separate ordinance, including those for which a statutory counterpart exists.

SECTION 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 or other town ordinance may be made which shall be delivered or mailed to the Clerk of Courts prior to the time of the scheduled court appearance.
 - 2. That if a deposit is made, no appearance in court is necessary unless the defendant is subsequently summoned.
 - 3. That if a cash deposit is made and the alleged violator does not appear in court, he will be deemed to have entered a plea of no contest, and submitted to a forfeiture with applicable penalty assessment, or if the court does not accept the plea of no contest, a summons will be issued commanding him to appear in court to answer the complaint.

4. That if no cash deposit is made and the alleged violator 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 non-appearance to be a plea of no contest--and enter judgment, or an action may be commenced to collect the forfeiture.

(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 (G) above has been read. Such statement shall be sent or brought with the cash deposit.

(I) A statement that if the court finds that the violation involved an offense that prohibits conduct prohibited by state statute punishable by fine or imprisonment or both, and that the violation resulted in property damage or physical injury to a person other than the alleged violator, the court may summon the defendant into court to determine if restitution shall be ordered under Section 800.093 (municipal court).

(J) Such other information as the town deems necessary.

SECTION 3: SCHEDULE OF DEPOSITS

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

<u>ORDINANCE TITLE</u>	<u>OFFENSE</u>	<u>DEPOSITS & COSTS</u>
Alcohol Beverages Ordinance Chapter 3-B	Violation	1st offense: \$50.00 2nd offense:\$200.00 plus current court costs
Dog Control Chapter 3-A	Violation	1st offense: \$25.00 2nd offense: \$50.00 plus current court costs
Dumping and Waste Disposal Chapter 4-B	Violation	\$300.00 plus current court costs
Junk and Abandoned Vehicles Chapter 4-C	Violation	\$100.00 plus current court costs
Nuisance Ordinance Chapter 4-F	Violation	1st offense: \$50.00 2nd offense: \$75.00 plus current court costs
Regarding Animals Chapter 4-D	Violation	\$25.00 plus current court costs

Regulating Fires Chapter 5-A	Violation	<u>Barrel Burn:</u> \$50.00 plus current court costs
		<u>Open Burn:</u> Notified: \$125.00* plus current court costs Not Notified: \$250.00* plus current court costs
		* plus cost of the fire run

Regulating Homes Chapter 6-B	Violation	\$50.00 plus current court costs
Solid Waste Recycling Chapter 4-A	Violation	As stated in 4-A citation chart

Deposits shall be made in cash, money order, or certified check to the Clerk of Circuit Court who shall provide a receipt therefor.

SECTION 4: ISSUANCE OF CITATION

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

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<u>ORDINANCE TITLE</u>	<u>ENFORCEMENT OFFICIAL</u>
Dumping and Waste Disposal	Town Board or Sheriff's Dept.
Solid Waste Recycling	Town Board or Sheriff's Dept.
Zoning Ordinance	Building Inspector
Junk and Abandoned Vehicles	Town Board or Sheriff's Dept. or Jefferson County Zoning
Nuisance Ordinance	Town Board or any County Sheriff's Department Officer
Regulating Homes Ordinance	Building Inspector
Dwelling Code Ordinance	Building Inspector
Alcohol Beverages Ordinance	Town Board or Sheriff's Dept.
Regulating Fires Ordinance	Town Board or Sheriff's Dept.

Traffic Ordinance	Any County Sheriff's Department Officer
Dog control Ordinance	Humane Officer or any County Sheriff's Department Officer
Ordinance Regarding Animals	Humane Officer or any County Sheriff's Dept. Officer

SECTION 5: PROCEDURE

Section 66.119(3) Wisconsin Statutes relating to violator's options and procedures on default is hereby adopted and incorporated by reference.

SECTION 6: NONEXCLUSIVITY

(A) OTHER ORDINANCE. Adoption of this ordinance does not preclude the Town Board from adopting any other ordinance 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 does not preclude the Town Board or any authorized office from proceedings under any other ordinance or law or by any other enforcement method to enforce any ordinance, regulation or order.

SECTION 7: SEVERABILITY

If any provision of this Ordinance is invalid or unconstitutional, or if the application of this Ordinance to any person or circumstances is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the provisions or applications of this ordinance which can be given effect without the invalid or unconstitutional provision or application.

SECTION 8: EFFECTIVE DATE

This Ordinance shall take effect upon its passage and publication or posting as provided by law.