

ORDINANCE NO. 6-2003

**AN ORDINANCE OF THE TOWN OF  
HORTONIA AUTHORIZING ISSUANCE OF  
CITATIONS FOR VIOLATIONS OF TOWN  
ORDINANCES**

The Town Board of Supervisors of the Town of Hortonia, Outagamie County, Wisconsin, does ordain as follows:

**SECTION 1. AUTHORITY.** Pursuant to authority granted under Section 66.0113 of the Wisconsin Statutes, the Town Board of Supervisors of the Town of Hortonia hereby authorizes the use of a citation to be issued for violations of ordinances, including ordinances for which a statutory counterpart exists.

**SECTION 2. FORM OF CITATION.** The citation shall provide for 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 offense.
4. The section 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 which in essence informs the alleged violator:
  - 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 such a 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, a penalty assessment imposed by s. 757.05, a jail assessment imposed by s.302.46(1), a crime laboratories and drug law enforcement assessment imposed by s. 165.755, any applicable consumer protection assessment imposed by s. 100.261, and any applicable domestic abuse assessment imposed by s. 973.055 (1) 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 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 sub. (3)(d), or the municipality may commence an action against the alleged violator to collect the forfeiture, the penalty assessment imposed by s. 757.05, the jail assessment imposed by s. 302.46(1), the crime laboratories and drug law enforcement assessment imposed by s. 165.755, any applicable consumer protection assessment imposed by s. 100.261, and any applicable domestic abuse assessment imposed by s. 973.055(1).
  - 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.
8. A direction that if the alleged violator elects to make a cash deposit, the alleged violator shall sign an appropriate statement which accompanies the citation to indicate that he or she read the statement required under subd. 7. and shall send the signed statement with the cash deposit.
  9. Such other information as may be deemed necessary.

**SECTION 3. SCHEDULE OF DEPOSITS.** A schedule of cash deposits is established in each Town ordinance when adopted or corrected for use with citations issued under this ordinance along with the penalty assessment under Section 757.05 Wis. Stats.

**SECTION 4. ISSUANCE OF CITATIONS.** The Town Constable and Town Chairman may issue citations pursuant to a resolution of the Town Board directing that such citation shall be issued.

**SECTION 5. VIOLATORS OPTIONS AND PROCEDURES.** The options and procedures of Section 66.013(3) are hereby adopted and incorporated by reference.

**SECTION 6. NONEXCLUSIVITY.**

1. **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.

2. **Other Remedies.** The issuance of a citation hereunder shall not preclude the Town Board or any other authorized office from proceedings under any other ordinance or law or by 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 as provided by law.

The foregoing ordinance was adopted at a regular meeting of the Town Board of the Town of Hortonia on December 9<sup>th</sup>, 2003.

Kevin Bolson  
Town Chairman

Dennis L. Clapp  
Supervisor

Leland Mark  
Supervisor

ATTEST:

Faye Marks  
Faye Marks, Clerk