

Chapter 49

CITATIONS

[HISTORY: Adopted by the Town Board of the Town of Scott 1-8-2008. Amendments noted where applicable.]

§ 49-1. Title and purpose.

The title of this chapter is the "Town of Scott Citation Ordinance." The purpose of this chapter is to authorize the Town Board of the Town of Scott, or its designees, to issue citations for violation of Town of Scott ordinances.

§ 49-2. Authority.

The Town Board of the Town of Scott has the specific authority under § 66.0113, Wis. Stats., to adopt this chapter.

§ 49-3. Effect of adoption.

The Town Board of the Town of Scott, by this chapter, 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 Scott to issue citations for violations of the Town of Scott ordinances, including ordinances with statutory counterparts.

§ 49-4. Form and contents of citation.

The Town Board prescribes the form for citations to be used in the Town of Scott by the Town Board or its designees for violations of Town of Scott ordinances, which shall be provided in this section and shall include all of 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 a manner that can be readily 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 that in essence informs the alleged violator of all of the following:
 - (1) That the alleged violator may make a cash deposit of a specific amount to be mailed to a specific official in a specified time.

- (2) That if the alleged violator makes a cash deposit, he or she need not appear in court unless 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 cost, fees and surcharges imposed under Ch. 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.
 - (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 a judgment under § 66.0113(3)(d), Wis. Stats., or the municipality may commence an action against the alleged violator to collect the forfeiture, plus court costs, fees, and surcharges imposed under Ch. 814, Wis. Stats.
 - (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 a 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.
- H. 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.
- I. Any other information that may be deemed necessary.

§ 49-5. Schedule of cash deposits.

- A. The cash deposits for the various ordinances for which a citation may be issued are as established on the schedule of cash deposits adopted by the Town Board, a copy of which is on file with the Town Clerk.¹
- B. The Town Board names the following court to which cash deposits are to be made and requires receipts to be given for cash deposits: Joint Municipal Court.

§ 49-6. Service and issuance of citations; information included.²

The citation form to be used shall be in compliance with § 800.02(2), Wis. Stats. The service of the citations in the Municipal Court shall conform to § 800.01, Wis. Stats. The officers authorized to issue citations for Municipal Court actions are the Town Board of the Town of Scott, Brown County, or the Town Board of the Town of Scott may

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

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

designate certain Town of Scott, Brown County or other municipal officials, with their written approval, to issue citations. The citation for any violation to be heard in Municipal Court shall contain substantially all of the following information:

- A. The name, address and date of birth of the defendant.
- B. The name and department of the issuing officer.
- C. The violation alleged, the time and place of occurrence, a statement that the defendant committed the violation, the ordinance, resolution or bylaw violated and a designation of the violation in language which can be easily understood.
- D. A date, time and place for the court appearance, and a notice to appear.
- E. Provisions for the amount of a deposit and stipulation in lieu of a court appearance, if applicable.
- F. Notice that the defendant may make a deposit and thereby obtain release if an arrest has been made.
- G. Notice that the defendant may, by mail prior to the court appearance, enter a plea of guilty and may, within 10 days after entry of the plea, request a jury trial.
- H. Notice that if the defendant makes a deposit and fails to appear in court at the time fixed in the citation, the defendant is deemed to have tendered a plea of no contest and submits to a forfeiture, plus costs, fees, and surcharges imposed under Ch. 814, Wis. Stats., not to exceed the amount of the deposit. The notice shall also state that the court may decide to summon the defendant rather than accept the deposit and plea.
- I. Notice 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 defendant, the court may summon the defendant into court to determine if restitution shall be ordered under § 800.093, Wis. Stats.
- J. Notice that if the defendant does not make a deposit and fails to appear in court at the time fixed in the citation, the court may issue a summons or warrant for the defendant's arrest or may enter a default judgment against the defendant.
- K. Any other pertinent information.

§ 49-7. Authority to issue citations.

Town of Scott citations may be issued by the Town Board of the Town of Scott, Brown County, or the Town Board of the Town of Scott may designate certain Town of Scott, Brown County or other municipal officials, with their written approval, to issue citations.

§ 49-8. Relationship to other laws.

The adoption and authorization for use of a citation under this chapter does not preclude the Town Board of the Town of Scott, Brown County, from adopting any other ordinances 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 chapter does not preclude proceeding under any other ordinances or law relating to the same or any other matter. Proceeding under any other ordinance or law relating to the same or any other matter does not preclude the issuance of a citation under this chapter.