

TOWN OF LAFAYETTE

ISSUANCE OF CITATIONS FOR VIOLATIONS OF TOWN ORDINANCES

ORDINANCE 1 - 02

The Town Board of the Town of LaFayette, Walworth County, Wisconsin, does hereby ordain as follows:

SECTION 1.0 PURPOSE

The purpose of this ordinance is to ensure the uniformity of the use of the citation methods in enforcing Town ordinances.

SECTION 2.0 AUTHORITY

Pursuant to § 66.0113 of WI 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 3.0 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 another Town ordinance may be made which shall be delivered or mailed to the Clerk of Court 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 involves 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 § 800.093 (municipal court).
- J. Such other information as the Town deems necessary.

SECTION 4.0 ISSUANCE OF CITATION

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

<u>ORDINANCE TITLE</u>	<u>ENFORCEMENT OFFICIAL</u>
Building and Lot Size Ordinance	Building Inspector
Dogs Running at Large Ordinance	Town Board/Walworth County Sheriff's Department
Highway/Road Ordinance	Town Board
Land Division & Subdivision Ordinance	Town Board
License/Registration/Permit Ordinance	Town Board
Adult Bookstore or Adult Entertainment Tavern Ordinance	Town Board
Ordinance Regulating Placement of Signs	Town Board
Recycling and Solid Waste Disposal	Town Board/Walworth County Sheriff's Department
Room Tax	Town Treasurer
Traffic Control	Walworth County Sheriff's Department
Unnecessary Noise	Town Board/Walworth County Sheriff's Department

SECTION 5.0 PROCEDURE

Section 66.113(3), WI Statutes, relating to violator's options and procedures on default is hereby adopted and incorporated by reference.

SECTION 6.0 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 shall not preclude the Town Board of any authorized office from proceedings under any other ordinance by any other enforcement method to enforce any ordinance, regulation or order.

SECTION 7.0 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 of application.

This Ordinance adopted by the Town Board of the Town of LaFayette on this 8th day of April 2009.

Bruno Schiffleger, Chair

Passed this day: 04.08.2009

Barbara A Fischer, Town Clerk-Treasurer

Filed this day: 04.08.2009