

TOWN OF LOMIRA
DODGE COUNTY

Chapter 2

Ordinance Adopting Citation Method of Enforcement of Town Ordinances

Section 1. Method of Enforcement

The Town of Lomira hereby elects to use the citation method of enforcement of Ordinances. All Town officials and personnel charged with the responsibility of enforcing Town Ordinances are hereby authorized pursuant to Wis. Stat. § 66.0113, as amended, to issue citations for violations of Town ordinances, including ordinances for which a statutory counterpart exists.

Section 2. Information Contained in Citation

The citation shall contain the following items:

- A. The name and address of the alleged violator.
- B. Factual allegations describing the alleged violation.
- C. The time and place of the offense.
- D. The Ordinance or State Statute 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 Ordinance may be made which shall be delivered or mailed to the Town Clerk prior to the time of the scheduled Court appearance;
 - (2) That, if a deposit is made, no appearance in Court is necessary unless he or she 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, or, if the Court does not accept the plea of no contest, a summons will be issued commanding him or her 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, an action may be commenced to collect the forfeiture.
 - (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 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 Wis. Stat. § 800.093.
- H. A direction that, if the alleged violator elects to make a cash deposit, a 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. Such other information as the Town Board deems necessary.

Section 3. Form of Citation

The form of the citation to be issued by Town officials and personnel or other designated Town official is incorporated herein by reference and shall provide the information described in Section 2, above. The Town Board reserves the right to modify the citation form as needed.

Section 4. Schedule of Deposits

The schedule of cash deposits shall be established by the Town Board for use with citations issued under this Ordinance according to the penalty provision of this Ordinance. A copy of the schedule of deposits shall be filed with the Town Clerk. Deposits shall be made in cash, money order, or certified check to the Dodge County Clerk of Court, who shall provide a receipt therefor.

Section 5. Issuance of Citation

Citations may be issued by any of the following persons:

- A. Any Dodge County law enforcement officer;
- B. The Town Building Inspector or Zoning Administrator;
- C. The Town Constable;
- D. The Town Chairman or the Town Supervisors.

The Town Board may delegate its authority to issue citations to its subordinates, provided such delegation is authorized by resolution by the Town Board.

Section 6. Procedure

Wis. Stat. § 66.0113(3), as amended, relating to a violator's options and procedure on default is hereby adopted and incorporated by reference.

Section 7. Nonexclusivity

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, including, but not limited to, summons and complaint, relating to the same or other matter. Furthermore, the issuance of a citation hereunder shall not preclude the Town or any other authorized officer from proceeding under any other Ordinance or law or by any other enforcement method to enforce any Ordinance, regulation or order.