

#214-18
ORDINANCE CITATION

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1.0 Use of Citation.

The Town authorizes the use of citations for prosecuting violations of Town Ordinances.

1.1 Form.

An ordinance citation shall substantially conform to § 66.0113, Wis. Stats. Each agency or official authorized to issue citations shall be responsible for the issuance and the final disposition of actions resulting therefrom.

1.2. Schedule of Forfeitures.

- A.** The following schedule of forfeitures is hereby established.
- B.** The cash deposit will be the amount of the forfeiture plus any fee or assessment imposed by § 757.05, Wis. Stats., the jail assessment imposed by § 302.46, Wis. Stats., the automation fee imposed by § 814.635, Wis. Stats., the court support fee imposed by § 814.634, Wis. Stats., court costs imposed by § 814.63, Wis. Stats., and any other fee or assessment imposed by the Wisconsin Statutes. Deposits may be made in cash, personal check or money order. Checks and money orders shall be made payable to the County Clerk of Courts, Courthouse, 515 Oak St. Baraboo, Wisconsin 53913, or a personal appearance shall be required at the time and date shown on the citation. The officer who issues the citations may accept the deposit from the cited person but shall thereafter forward the deposit along with the citation to the Clerk of Courts. In all cases an official who accepts a cash deposit shall issue a receipt therefore.
- C.** Unless otherwise specified below, the penalty for violating any section of the Ordinance shall be as follows. If a citation is issued, the amounts set forth in section (B) shall be added.

FORFEITURE	ORDINANCE SECTION
Not less than \$50.00 nor more than \$100.00	Driveway Permit Ordinance
\$105.00	Building Permit

- D.** Unless otherwise set forth above, a second offense of the same Ordinance section within twelve (12) months shall result in a double forfeiture.
- E.** Unless otherwise set forth above, a third and subsequent offense of the same Ordinance section within twelve (12) months shall result in a triple forfeiture.
- F.** Anyone authorized to enforce the Ordinance has the authority allow payment of the applicable penalty prior to the issuance of a citation. Upon timely payment of the same, and compliance with the Ordinance, no citation shall be issued.
- G.** Any successful prosecution or civil action brought for a violation of the Ordinance shall include the costs of prosecution to the extent allowed by law.

1.3 Persons Authorized to Issue Citations.

The Town Board may issue citations. The Town Board may also designate by resolution other individuals who may issue citations in addition to regularly designated law enforcement officers of the Town and individuals or positions authorized by the Ordinance. The authority may also be revoked by resolution.

1.4 Relationship to Other Laws.

The issuance of a citation under this Ordinance shall not preclude the proceeding under any other law relating to the same or any other matter. The proceeding under any other law relating to the same or any other matter shall not preclude the issuance of a citation under this Ordinance.

1.5 Imprisonment Upon Failure to Pay Civil Forfeiture.

If a person defaults in the payment of any forfeiture for violation of any provision of the Ordinance or fails to pay the costs of prosecution for such violation, he or she may be imprisoned in the County Jail until such forfeiture and costs shall be paid, however, such incarceration shall not exceed sixty (60) days.

1.6 Inability to Pay Forfeiture.

Persons who are financially unable to pay forfeitures imposed upon them shall not be imprisoned. In determining whether an individual has the ability to pay a forfeiture, all items of income and all assets may be considered regardless of whether or not such income or assets are subject to garnishment, lien, attachment by creditors, or execution.

1.7 Computing Number of Violations.

Except as expressly provided otherwise in the Ordinance, each day during which a violation of any provision of the Ordinance continues or is permitted to exist shall constitute a separate offense.

1.8 Injunctions.

Persons charged with enforcement of any provision of the Ordinance are authorized to seek compliance therewith by injunctive order. To the extent that forfeitures are provided for any particular violation, it shall not be necessary to prosecute for a forfeiture before seeking an injunction.

1.9 Remedies.

Any Town Ordinance may be enforced in any manner provided for by law including, but not limited to, commencing a civil action, issuing a citation, seeking an injunction or any other remedy.

EFFECTIVE DATE

This ordinance is effective on publication or posting.

The town clerk shall properly publish this ordinance as required under s. 60.80, Wis. Stats.

Adopted this 17th day of April, 2018.

Dennis Rehr, Chairman

Greg Anstett

Gerd Muehlechner

Andy Zimmer

Dale Klengenmeyer

Attest: Jennifer Roloff – Town Clerk