

Chapter 18

CITATIONS

[HISTORY: Adopted by the Town Board of the Town of La Pointe at time of adoption of Code (see Ch. 1, General Provisions, Art. III). Amendments noted where applicable.]

§ 18-1. Title and purpose.

The title of this chapter is the "Town of La Pointe Citation Ordinance." The purpose of this chapter is to authorize the Town Board of the Town of La Pointe, or its designees, to issue citations for violations of Town of La Pointe ordinances, including ordinances with statutory counterparts.

§ 18-2. Statutory authority.

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

§ 18-3. Authority to issue citations.

The Town Board of the Town of La Pointe, on proper notice with a quorum and by a roll call vote by a majority of the Town Board present and voting, adopts and assumes the authority for the Town of La Pointe to issue citations for violations of Town of La Pointe ordinances, including ordinances with statutory counterparts.

§ 18-4. Citation form.

- A. The form for citations to be issued in the Town of La Pointe by the Town Board or its designees for violations of Town of La Pointe ordinances shall be as provided in this subsection and shall include all of 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 that, in essence, informs the alleged violator of all of the following:

- (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 a cash 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, plus costs, 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.
 - (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 § 66.0113(3)(d), Wis. Stats., or the municipality may commence an action against the alleged violator to collect the forfeiture, plus costs, fees, and surcharges imposed under Ch. 814, Wis. Stats.
 - (e) That if the court finds 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 § 800.093, Wis. Stats.
- (8) 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.
- (9) Any other information as may be deemed necessary.
- B. The citation form used by the Town as specified in Subsection A is the Wisconsin Uniform Municipal Court Citation and Complaint (Form MC-2000) or its successor form.
- C. The Town Board requires that in actions for violations of Town of La Pointe ordinances enacted in accordance with § 23.33(11)(am) or 30.77, Wis. Stats., the citation form specified in § 23.54, Wis. Stats., shall be used in lieu of the citation form noted above in Subsection B.

§ 18-5. Cash deposits.

- A. The Town Board establishes and adopts the Town of La Pointe Schedule of Cash Deposits for Citations, including the cash deposits that are required for the various

Town of La Pointe ordinance violations, including each listed violation cost, fees, and surcharges imposed under Ch. 814, Wis. Stats. The schedule may be amended annually and shall be deemed to be incorporated by reference into this Code.

- B. The Town Board names the Clerk of La Pointe, of Ashland County, as the official to whom cash deposits are to be made and requires that receipts be given for cash deposits.

§ 18-6. Issuance and service of citation.

- A. Town of La Pointe citations may be issued by the Town Board, or the Town Board of the Town of La Pointe may designate certain Town of La Pointe, Ashland County, or other municipal officials, with its written approval, to issue such citations.
- B. Town of La Pointe citations, in addition, shall specifically be issued by any law enforcement officer of Ashland County or the Town of La Pointe, the Fire Chief, Zoning Administrator, Health Officer, Director of Public Works, or Town Chairperson. The foregoing designation of authority may be revoked at any time by the Town Board.
- C. The Town of La Pointe has designated the Town Chairperson or any person approved by the Town Board to serve any citations for the Town of La Pointe upon issuance. Any person specifically authorized by the Town Board to issue citations may also serve such citations, and any law enforcement officer may serve such citations.

§ 18-7. Relationship to other provisions.

The adoption and authorization for use of a citation under this chapter does not preclude the Town Board of the Town of La Pointe from adopting any other ordinance 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 ordinance 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.