

TOWN OF MOUNT PLEASANT CITATION ORDINANCE  
Ordinance No. 12-15-2008-1

1. Title and Purpose. The title of this ordinance is the Town of Mount Pleasant Citation Ordinance. The purpose of this ordinance is to authorize the Board of Supervisors of the Town of Mount Pleasant, or its designees, to issue citations for violations of Town of Mount Pleasant ordinances, including ordinances with statutory counterparts.

2. Authority. The Board of Supervisors of the Town of Mount Pleasant has the specific authority under Wis. Stat. §66.0113 to adopt this ordinance.

3. Forms of Citation.

3.1. Form of Citation for Non-Vehicular Ordinances. Except as provided in Sections 3.2 and 3.3, the citation form to be used for violations of town ordinances shall be as provided in this Section 3.1 and shall include all of the following:

- 3.1.1. The name and address of the alleged violator.
- 3.1.2. The factual allegations describing the alleged violation.
- 3.1.3. The time and place of the alleged violation.
- 3.1.4. The number of the ordinance violated.
- 3.1.5. A designation of the offense in a manner that can be readily understood by a person making a reasonable effort to do so.
- 3.1.6. The time at which the alleged violator may appear in court.
- 3.1.7. A statement that in essence informs the alleged violator:

That the alleged violator may make a cash deposit of a specified amount to be mailed to a specified official within a specified time.

That if the alleged violator makes a cash deposit, he or she need not appear in court unless subsequently summoned.

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 Wis. Stat. ch. 814, 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.

That if the alleged violator does not make a cash deposit and does not appear in court, the court may issue a summons or a warrant for the defendant's arrest or consider the non appearance to be a plea of no contest and enter judgment under Wis. Stat. §66.0113(3)(d), or the town may commence an action against the alleged

violator to collect the forfeiture plus costs, fees and surcharges imposed under Wis. Stat. ch. 814.

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 should be ordered under Wis. Stat. §800.093.

3.1.8. 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 Wis. Stat. §66.0113(1)(b)(7) (the contents of which appear in Section 3.1.7 hereof) and shall send the signed statement with the cash deposit.

3.1.9. Any other information as may be deemed necessary.

3.2. Form of Citation for Traffic Regulation Violations. In traffic regulation violations, except for parking regulation violations, the uniform traffic citation form specified in Wis. Stat. §345.11 shall be used.

3.3. Form of Citation for ATV and Boat Regulation Violations. For violations of town ordinances enacted in accordance with Wis. Stat. §23.33(11)(am) (all terrain vehicles) or Wis. Stat. §30.77 (boats), the citation form specified in Wis. Stat. §23.54 shall be used.

4. Schedule of Cash Deposits. The schedule of cash deposits that is Exhibit A to this ordinance shall apply to violations of the town ordinances referred to therein, which includes for each listed violation costs, fees and surcharges imposed under Wis. Stat. ch. 814.

5. Deposits to be Made with Clerk of Green County Circuit Court. Cash deposits for violations of town ordinances shall be made with the Clerk of the Green County Circuit Court, Green County Court House, Monroe, WI 53566. Receipts shall be given for cash deposits.

6. Issuance and Service of Citations. Citations may be issued under this ordinance by the Board of Supervisors of the Town of Mount Pleasant, or by the Sheriff of Green County, Wisconsin or his or her deputy, upon his or her written approval. Citations may be served by any member of the Board of Supervisors of the Town of Mount Pleasant or by the Clerk of the Town of Mount Pleasant or by the Sheriff of Green County, Wisconsin, or his or her deputy, upon the Sheriff's or deputy's written approval.

7. Relationship to Other Laws. The adoption of this ordinance and authorization of citations hereunder does not preclude the town from adopting any other ordinance or providing for enforcement of any law or ordinance by other means. The issuance of a citation under this ordinance does not preclude the town from proceeding under any other ordinance or law relating to the same or other subject matter as the ordinance or law being enforced by citation. Proceeding under any other law or ordinance does not preclude the issuance of a citation under this ordinance

relating to the same or any other subject matter as the law or ordinance under which proceedings are initiated.

8. Severability. If any provision of this ordinance or its application to a person or circumstance is held to be invalid, the invalidity does not affect other provisions or applications of this ordinance that can be given effect without the invalid provision or application, and to this end, the provisions of this ordinance are severable.

9. Effective Date. This ordinance is effective thirty days after posting in accordance with Wis. Stat. 60.80.

The foregoing ordinance was adopted at a regular meeting of the Board of Supervisors of the Town of Mount Pleasant on December 15, 2008.

Vote: Three for, no against.

Posted in three public places on  
December \_16\_, 2008.

\_\_\_\_\_  
Dan Karlen, Clerk

\_\_\_\_\_  
Tim Feller, Chairman

\_\_\_\_\_  
Sally Roe, First Supervisor

\_\_\_\_\_  
Michael Gengler, Second Supervisor

EXHIBIT A TO ORDINANCE NO. \_\_\_\_  
TOWN OF MOUNT PLEASANT CITATION ORDINANCE

Ordinance Number	Violation	Amount of Forfeiture
Recycling Ordinance, 1994	Hazardous Materials (statutory reference) left at Town garage	\$1,000.00
Recycling Ordinance, 1994	Non-recyclable materials left at Town garage	\$400.00
Driveway Ordinance 1-98	Construction or modification of driveway in violation of ordinance	\$1,500.00
Field Driveway Ordinance of January 15, 2001	Construction or modification of a field drive in violation of the ordinance	\$200.00
Building Permits, No. 3-15-04	[because forfeitures are at the discretion of the court within a range, no set amount of forfeiture is set]	
Fire Department, No. 4-18-05-1	[To be set by Fire Board]	
Land Division and Subdivision Ordinance	[No forfeitures to be established; violations to be pursued in court in accordance with ordinance]	